

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1977
SPECIAL SESSIONS 1977

IN THREE VOLUMES

VOL. I



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
JOE FINE, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
ROBERT T. CROWE, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATURE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1977 Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

**ADDRESS BY
GOVERNOR GEORGE C. WALLACE
BEFORE THE
REGULAR SESSION OF THE
1977 ALABAMA LEGISLATURE
MONTGOMERY, ALABAMA
FEBRUARY 1, 1977**

Lt. Governor Beasley, Speaker McCorquodale, Distinguished Legislators, My Fellow Alabamians:

I appreciate the invitation of this legislative body that allows me the opportunity to appear before you and the people of Alabama tonight.

I am delighted that there is some good to report.

Compared to other regions of the Nation, our economy has been good. Our revenues have shown increases. We have been able to maintain essential functions of government for our people. We even hope to increase in many areas during this legislative session.

Unfortunately, all is not well.

There are some dark sides to the picture and you deserve to know, and must know, about these as well.

This has been the coldest winter for Alabama in recent history. Our state, along with others, is faced with a natural gas emergency at this very hour. Many thousands of our citizens are out of work. It is no fault of their employers.

Let me assure you that all that can be done at the State Government level is being done. We have informed our citizens in every way possible of the potential effect of a continued natural gas shortage. We have made through our National Guard and Civil Defense emergency plans necessary should the supply to homes be cut off. We pray this does not happen. Let me again plead with everyone to conserve natural gas. We must conserve. Lives are at stake.

As far as the economic effect this gas shortage will have on Alabama, we cannot accurately judge. The long-range weather forecast is not good. We know the cold weather has increased unemployment. This will cut down our revenues. We cannot expect as bright a year as we have just experienced where our revenues were up nearly 12.5%.

ABC — DOCKS

And, also, the State made some money. We are proud of those departments which produced profits for the State during the past year. The ABC Board made over \$76 million, and the State Docks reported \$2.5 million.

TOURISM

Another bright area in our economy has been the tourist industry. Tourism shows all signs of becoming a billion dollar industry this year for the first time in our history.

INDUSTRY

One of the most encouraging trends in our state the past few years has been our tremendous industrial growth. This has been brought about due to the "work ethic" of our people — a dollar's work for a dollar's pay — as well as the abundant, God-given natural resources of our area. Really, any real growth is made possible by the work and toil of our people. I am sure you join me in saluting our men and women who work and produce. They make Alabama a better place today than it was yesterday. They will make it even better for tomorrow.

In terms of history, really it has been a short time since President Roosevelt called our region "THE NATION'S NUMBER ONE ECONOMIC PROBLEM."

Today, the so-called Sun Belt is the envy of much of the Nation. It has been the spirit of our people and their dedication to the free enterprise system that has brought us forward.

Our people and God's blessings of resources have made our region, the Sun Belt—the Bible Belt (and I like that name better)—the most viable and vibrant region of the Nation.

In the area of industrial growth, Alabama is second from the top throughout the Nation. It is this growth that provides our state with a healthy economy. It allows us to continue to improve and increase services without any additional consumer taxes.

And let me say here and now, as I have said throughout my administration, in my opinion there will be no new consumer taxes passed by this legislature. I assure you that any such proposal reaching my desk will be vetoed by your governor.

CRIME

Now, I would like to talk with you for a moment about one of the most serious problems facing our entire nation, as well as the State of Alabama. I'm talking about the continued increase in crime.

This problem is so serious that if we don't get a handle on this thing and bring it under control, we who are law-abiding citizens are in serious danger of losing some of our most cherished civil liberties.

Already, you are afraid to walk the streets at night. Already, it is unsafe for your wife or daughter to even drive to a convenience store after dark without fear of bodily harm. This situation exists throughout the Country.

Why has this come about? I can remember those who said that crime was brought about by poverty. I don't believe it. I was brought up in one of the most poverty stricken areas and times—yet we did not turn into criminals.

The solution to the crime problem lies in sure and swift punishment for those who break the law. We will never bring crime under control as long as we are more concerned with the rights and treatment of those who break the law than we are with those victims of crime who are robbed, shot, stabbed or raped on our streets and in our homes and businesses.

The people of Alabama and the entire Nation are through listening to the "sob sisters," the "bleeding hearts" and the "woeful mourners" who are overly concerned with the criminals and how close together they are sleeping in the jails.

Certainly prisoners should be treated humanely . . . and so should law-abiding citizens. I have been in a position to see far too many of our beautiful young people lying on the beds of our hospitals and rehabilitation centers. Many of them can move nothing but their head. They were paralyzed by a thug who shot them in the neck or back.

The thug was trying to eliminate a witness who may identify him. He knew he would receive no stiffer penalty for murder than robbery. Today, the thug is out on the street. The victim still lies on the bed, helpless for life. I ask you, is *this* humane?

Some may say, you don't have any compassion. Well, I have compassion. I have compassion for those in the cemetery—put there by thugs. I have compassion for those crippled for life and helpless for life. And I tell you, people are getting sick and tired of reading and hearing about these violent crimes committed by repeated offenders, who should not be out on the streets in the first place.

This is a problem here in Alabama, and it is a problem throughout America. So what are we proposing to do about it?

Recognizing that State and Federal officials must work together in curbing crime, and in line with our plea for more

stringent punishment for lawbreakers, I am submitting for your consideration a number of bills which I feel are essential to putting a handle on this crime problem and protecting our law-abiding citizens.

We have prepared and will submit to the Legislature the following bills:

1. No parole for first degree murder if the death penalty is not received.
2. In rape cases, making inadmissible a victim's past sexual life as testimony to encourage them to testify.
3. Mandatory, life sentence for the third conviction for a crime of violence.
4. Mandatory, additional five years for use of a gun to commit robbery, rape, burglary or kidnap.
5. Change conspiracy to commit a felony from a misdemeanor to a felony.
6. To allow subpoena of out-of-state witnesses in criminal trials.
7. To allow combining of offenses and provide for joint trials in criminal indictments.
8. Make trial judges instruct juries about paroles and the circumstances under which the criminal might obtain parole. Also, allow the prosecution to comment about parole in his argument to the jury.
9. Making it a felony to introduce or possess firearms, ammunition or other weapons in jails or State prisons.
10. Increase the State reward in heinous crime cases from \$1,000 to \$10,000.

PRISONS

The other side of the crime-fighting coin is our prison system.

To wage war on crime, we must have a place to lock up the criminals.

We believe in humane treatment. However, we don't need to reward crooks with luxury. Criminals should go to jail for punishment, to protect society, or, as in the case of first offenders, rehabilitation.

Today the Corrections Department is almost totally a separate entity of State Government.

Your governor appoints the Board of Corrections. They do not serve at his pleasure, however. After they are appointed, they cannot be terminated or fired.

The Board members oversee the prison operation. They serve without pay. We are indebted to those fine citizens who have served this area of our state government over the past years.

You, the Legislature, have influence over the Corrections system by appropriating or not appropriating funds.

I, as Governor, can merely recommend their budget to you.

All of us can make suggestions and advise the Board. We do from time to time. Sometimes they take our advice. Sometimes they do not.

For too long now the prison operation in Alabama has been operated from without the Executive Department of State Government. In other words, the Governor does not have the authority to direct changes in operations.

The Legislature does not have a means for day-to-day control. And although the Board members are fine citizens and individually some of the best people we have in the State, they are not full-time prison administrators.

Government by boards and commissions is oftentimes slow or non-responsive to the will of the people.

I believe that our present system is a mistake.

During this session, I will present to you a comprehensive government reorganization bill proposing that prisons be placed under the control of the Chief Executive of Alabama. I hope that you will see fit to approve that change.

But, however you approach this problem, the objective must always be to protect our good citizens from the law-violating criminals.

Our police today are better trained and better equipped than ever. They are arresting more criminals.

The courts are obtaining more convictions.

But in spite of our best efforts, crime is still increasing. We cannot permit our crime-fighting program to break down for a lack of a place to put criminals who should be behind bars.

In this connection, I will offer a bill to appropriate \$2 million to reimburse local governments for holding State prisoners.

I will also ask for over \$1 million additional increase to upgrade our own state police.

Next month, contracts will be awarded for a new minimum security prison at Draper. This will house 360 prisoners. It will cost \$2 million and comes from the \$6 million bond issue approved by the people for prisons.

That leaves \$4 million of the bond issue money and another \$4 million made available by your governor through revenue sharing to build prisons. I suggest we get on with the business of building places to put these criminals.

PROPERTY TAX

Alabama home owners and small business operators are rightfully concerned over the possibility of sudden large increases in their ad valorem tax. This will occur as a result of the Federal court-ordered tax equalization program now being carried out if you in the Legislature do not act to stop it.

People's concern is justified because usually when things are "equalized" they are "equalized UP."

A man doesn't use his home to make money. We ought to have a tax system that encourages home ownership and protect the family home and business from increased property taxes.

I am opposed to any increase in property taxes without a vote of the people. No action on your part will mean increased taxes upon our property owners.

I will also propose a bill to increase the homestead exemption. This measure will further assist our home and family-farm owners.

I trust you will act with all due speed.

BUDGET

Now, ladies and gentlemen, I would like for us to turn our attention to State finances for the next few moments. Alabama is one of the few States in the Nation that has not added new consumer taxes since 1969. We have through fiscal restraint and sound management found it possible to provide continued increases in State services without adding taxes on the backs of our people. It has been and it will continue to be the goal of my administration to hold the line on taxes.

In order to exercise greater control over the State's resources and to implement economies, we have instituted zero-based budgeting.

There is a new financial management system under which our procedures are revised so that accounting and budgeting are coordinated. This system will go into effect by the beginning of the upcoming fiscal year October 1.

We have also begun a computerized purchasing system, which is designed to increase efficiency, speed and economy. And, so, within the period prescribed by law, I will offer you budgets accomplishing the following:

Teachers' salary adjustments to provide for cost of living and merit increases.

Pay raises for bus drivers, maintenance, lunchroom and custodial personnel of our public schools.

Our budget will also provide for salary adjustments to the professional personnel at junior colleges and vocational technical colleges.

Our vocational education program continues to provide increased dividends to our state. It is one of the aspects of Alabama that is attracting industry to locate here. The personnel who work at these technical colleges are deserving to be on a level equal to their counterparts at the junior colleges. Technical colleges were started in my first administration. I am proud of this program.

I will propose 200 more teacher units for special education.

We will begin phasing in a statewide kindergarten program with 200 teacher units this year. Your governor is most hopeful that this program can be increased in future years as funds become available.

We will ask for an increase of some \$37 million for higher education. A significant part of this will go to medical and health related programs.

We are also proposing additional funds for the Free Textbook Program—the School Maintenance Program—and a testing program for the elementary grades.

We are especially pleased that these increases for education can be made without any new taxes on the people. This is possible due to the increased revenues, which reflect well on the economy of Alabama as well as the productivity of our people.

I also feel it appropriate at this time to commend the fine group of professional educators who labored together to recommend a unified budget for education.

This group, headed by Dr. Wayne Teague and composed of representatives of all facets of education, presented to me a

recommendation on which they reached a total agreement for the division of funds.

The budget that I will present to you will be almost totally in line with their recommendations. They did such a good job!

I would also add at this point that with the increased recommendations for public education, we will still provide in the budget for a \$20 million reserve fund. This figure is viewed as conservative by some of our income projectors.

HIGHWAY BUDGET

The budget that I present you for highway construction and maintenance will make maximum use of Federal funds.

We don't mind taking all Federal highway money we can get. Alabama is now a donor state. That is to say, we get back only 92¢ for each dollar we contribute to the Federal Trust Fund.

Also, the bond bill which you passed last year to provide for the acceleration of the interstate program in Alabama will be fully utilized.

I compliment you for having passed that program. It will result in a savings not only in money, but also in lives and property.

I can think of nothing more important to the health and safety of our citizens than providing the safest roads possible.

I trust that you will pass the Highway budget and provide no less than what I have suggested. Improve upon it, if you can, but certainly I would ask you to pass no less than what I am recommending.

ALABAMA CODE REVISION

Many people urged me to call a special session of the Legislature for the single purpose of considering a new code for Alabama. But such a session, in my opinion, would have been an unnecessary expense.

But that is not to belittle the importance of the new code, which was last revised in 1940. The new code does not represent any significant change in the law, but is more efficient and convenient. The State has already invested a sizable sum in this project. So, let's pass it!

REORGANIZATION

Early in the session I will submit to you a comprehensive reorganization bill for State Government.

Briefly stated, the plan combines boards, commissions and independent agencies into 15 major departments. The agencies are logically grouped to eliminate duplication of effort and overlapping authority.

We make no claim that any great savings will be made, but we do expect that taxpayers will get better, more efficient and more responsive government for their money.

GENERAL

This legislature should also:

1. Pass "Home Rule."
2. Eliminate the utility tax from citizens over 65.
3. Pass an appropriation for private schools. This measure died in the Senate last year. You should pass it for this fiscal year and next.
4. Pass a tuition grant measure for our fine private colleges. More than 40 states have tuition grants at present. The loss of these institutions would be a great blow to the State. You should pass this measure during this session.
5. Upgrade the benefits going to workmen's compensation and unemployment compensation.
6. Also, I hope you will submit to the people a Constitutional amendment changing annual sessions of the Legislature. The Legislature should meet every two years. In a state the size of ours, this would be sufficient. Your last session cost the people over \$3 million.
7. Pass measures to prohibit fraudulent insurance companies from operating in Alabama. These are known as the Supervision and Investment Bills. Our good Alabama insurance companies favor these measures and you should pass them.

UTILITIES

In 1975, I called you into special session because of spiraling utility costs.

I pointed out then that many home owners had power bills higher than mortgage payments.

The situation is now worse!

The burden is heavier.

The House passed the measures I introduced.

The Senate filibustered. They would not vote.

The session died.

Power bills have gone higher, and higher, and higher. We still have the problem with us.

Now I don't know how your voters feel about you. I do know that I am going to live up to my pledge to the people to see that they are represented in the Public Service Commission. I have done this with one of the best rate attorneys in the Country.

The people are worn out from reading about power companies making higher profits, paying higher salaries, and asking for higher bills.

It must stop.

I am offering you legislation to stop it.

I am for this legislation. Before this session ends, the people of Alabama are going to know who in this legislature is for it and who is against it.

One bill will remove future construction from the utility rate base. Today, 48% of the rate base of the major producer of electricity in Alabama is allocated for future construction.

In other words, the people of Alabama today are being called upon to pay for what will be used by others years from now.

The people are paying a profit before utility companies invest a dime.

I call upon you for relief. The people need help. Home owners and small businesses are paying ridiculous power bills.

ALABAMA LAWS

And Joint Resolutions

REGULAR SESSION 1977

Act No. 1

H.J.R. 5—Crowe

HOUSE JOINT RESOLUTION

WHEREAS, the lower 48 United States are experiencing a dire need for natural gas, the impact of which is causing serious economic and citizen hardships, and

WHEREAS, the vast discovery of natural gas in the Prudhoe Bay Field on the North Slope of Alaska will offer a new supply source that could improve the requirements of our residential, commercial and industrial sectors, and

WHEREAS, Southern Natural Gas Company, the major supplier of natural gas to the State of Alabama, has negotiated a contract with the State of Alaska for the purchase of a significant quantity of the royalty natural gas from Alaska, and

Whereas under the terms of the contract between Southern Natural Gas Company and the State of Alaska, approximately 650 billion cubic feet of natural gas would be delivered to our area of the country over a period of twenty years, and

WHEREAS, this contract must be approved by the Legislature of the State of Alaska.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State of Alabama urges the Legislature of our sister state, the State of Alaska, to lend its approval to this contract and to take the necessary steps to the end that the contract will be ratified and the natural gas can be expeditiously transported for use by our citizens and industries.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Clerk of the House to the Governor and Lieutenant Governor of the State of Alaska, to the Congressional Delegation from the State of Alaska and to the Congressional Delegation from the State of Alabama.

Approved February 1, 1977.

Time: 5:55 P.M.

Act No. 2

H.J.R. 2—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved February 14, 1977.

Time: 4:00 P.M.

Act. No. 3

H.J.R. 3—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:15 P.M. on Feb. 1, 1977 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 4

H.J.R. 6—Holmes (A), Crowe

HOUSE JOINT RESOLUTION

Commending and Thanking Colonel E. C. Dothard and the Alabama State Troopers For Their Work During The Recent Snow and Sub-Freezing Weather.

Whereas, The Alabama Legislature has noted the outstanding work performed by the Alabama State Troopers, under the direction and leadership of Colonel E. C. Dothard, Director of

Public Safety for the State of Alabama, during the recent periods of heavy snowfall and sub-freezing temperature throughout our state; and

Whereas, Colonel Dothard's department performing diligently and under the utmost extreme weather conditions, managed to keep the roads clear, help those motorists who became stranded and, in many circumstances actually saved the lives of some of our citizens; and

Whereas, we feel that we reflect the sentiments of all the citizens of our state; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, Both Houses Thereof Concurring, That we do commend and voice our appreciation for the hard work and dedication to duty of Colonel E. C. Dothard and the Alabama State Troopers.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Colonel Dothard as a token of our appreciation for his services and those of the State Troopers.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 5

H.J.R. 7—Holmes (A), Crowe

HOUSE JOINT RESOLUTION

Commending and Thanking the Montgomery Police Department and Road Crews For Their Work During the Recent Snow and Sub-freezing Weather.

WHEREAS, The Alabama Legislature has noted the outstanding work performed by the Montgomery Police Department and Road Crews during the recent periods of heavy snowfall and sub-freezing temperatures; and

WHEREAS, These departments, performing diligently and under the utmost extreme weather conditions, managed to keep the streets and roads clear and help those motorists who became stranded; and

WHEREAS, We feel that we reflect the sentiments of all the citizens of Montgomery; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do commend and voice our appreciation for the hard work and dedication to duty of the Montgomery Police Department and Road Crews.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to the Montgomery Police Department and the Department of Street Maintenance as a token of our appreciation for their services.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 6

H.J.R. 15—Dial

HOUSE JOINT RESOLUTION

COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

WHEREAS, The Southern Union State Junior College recently opened in Wadley, Alabama, and honored Mr. S. O. Higgins of Bremen, Georgia, by naming its lecture room "The S. O. Higgins Lecture Room"; and

WHEREAS, S. O. Higgins, President of Higgins Clothing Company in Lineville, Alabama, has been extremely active in religious and civic affairs, particularly in the organization of the newly-opened Southern Union State Junior College; and

WHEREAS, Mr. Higgins recently celebrated his fiftieth wedding anniversary with his wife, Marie West Higgins; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend him by having the lecture room of Southern Union State Junior College named in his honor.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. S. O. Higgins.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 7

H.J.R. 16—Dial

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

WHEREAS, William "Bill" Young served as Probate Judge of Cleburne County for six years; and

WHEREAS, William "Bill" Young during his term of office rendered an outstanding record of service which included discharging the county's indebtedness, began the Tri-County Juvenile Service (Randolph, Clay and Cleburne) and the Tri-County Criminal Investigation program, initiated the Cleburne County wide water system and set up the first Cleburne County Mental Health program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily praise William "Bill" Young for his outstanding service to Cleburne County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to William "Bill" Young.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 8

H.J.R. 17—Dial

HOUSE JOINT RESOLUTION

COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

WHEREAS, the White Plains High School football team of Oxford, Alabama, played an outstanding 1976 season, winning nine games and losing only one; scoring 293 points on offense, while the defense yielded only 72 points; and

WHEREAS, Head Coach Ed Cleveland, and assistants Evans, Webster, Sparks, and Burroughs worked countless hours helping to develop this fine team; and

WHEREAS, the team members, coaches, cheerleaders, faculty and fans all made special contributions to help achieve a good season; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the White Plains High School Football Team for their fine 1976 season.

RESOLVED FURTHER, That a copy of this resolution be sent to the Principal of White Plains High School in Oxford,

Alabama, Mr. Wendell E. Robertson.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 9

H.J.R. 19—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.

WHEREAS, the lovely Miss Joy Payne, a native of Talladega, Alabama and daughter of Mr. and Mrs. L. N. Payne was recently crowned Alabama Textile Queen during the annual pageant held at Lake Guntersville State Park; and

WHEREAS, Joy was also chosen by her fellow contestants as Miss Congeniality at the event; and

WHEREAS, the beautiful, poised, personable and articulate Miss Payne will be traveling extensively over the Southeast in the coming year in representing the state textile industry; and

WHEREAS, the talented Miss Payne, a freshman at the University of Alabama, majoring in pre-nursing, won several beauty titles while attending Talladega High School and was head majorette two of the three years while in school, as well as being a member of Senior National Honor Society, president of the Latin Club, and class favorite; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Miss Joy Payne for being selected the current Alabama Textile Queen, and wish this beautiful and talented young lady from Talladega, Alabama the best in her future endeavors.

RESOLVED FURTHER, That the Clerk of the House of Representatives be directed to send a copy of this resolution to Miss Payne.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 10

H.J.R. 20—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING MRS. FRANCES CONN, SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR"

WHEREAS Frances Winslett Conn has devoted unselfishly of her time and energy to promote the betterment of Sylacauga and Alabama; and

WHEREAS Frances Conn, a native of Camp Hill, is a graduate of the University of Alabama. She is married to Fred Conn and they are the parents of three children: Richard, Alan and Frank; and

WHEREAS she is a charter member and has served as president of the nationally acclaimed Sylacauga Beautification Council for the past two years. During that time she has, on behalf of the organization accepted two major national awards and two major state awards; and

WHEREAS Frances Conn has been a member of the Progressive Study Club for the past seventeen years and now serves as club historian. Long active in P.T.A. work, she is now a member of the Sylacauga High School P.T.A. executive board; and

WHEREAS her civic affiliations also include the Sylacauga Services League of which she is a charter member, past president, and current mental health volunteer committee chairman. She also has worked as a volunteer teacher's aide in city schools; and

WHEREAS Frances Conn and her family attend Wesley Chapel United Methodist Church where she also teaches Sunday School and takes an active part in several church organizations.

WHEREAS Mrs. Frances Conn is the pretigious 29th annual "Woman of the Year" of the Sylacauga Exchange Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to join the Sylacauga Exchange Club in saying to Mrs. Frances Conn, a homemaker, businesswoman and civic leader: "Our community and our state is a better place because of you."

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mrs. Frances Conn.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 11

H.J.R. 23—Merrill

HOUSE JOINT RESOLUTION

COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

WHEREAS, The Alabama Legislature has noted, with deep regret, the resignation of Dr. Philip E. LaMoreaux as State Geologist and Supervisor for the Oil and Gas Board, marking more than 30 years of dedicated professional service to our State, to our nation and to the world; and

WHEREAS, Dr. LaMoreaux, who received his academic training at Miami (Ohio) University, Denison University and the University of Alabama, receiving an honorary Doctor of Science degree from Denison University; and

WHEREAS, he was prestigiously associated with the U. S. Geological Survey, Water Resources Division, in Alabama as district geologist from 1943 to 1960, becoming Chief of the Ground Water Branch, U. S. Geological Survey, in Washington in 1960; and

WHEREAS, Dr. LaMoreaux was appointed state geologist, Oil and Gas Board supervisor in 1961, also serving on a number of commissions by appointment by the governor including the Advisory Council on Water Resources, an advisor to the Alabama Water Improvement Commission, the State Industrial Advisory Commissee, the State Resources Management Committee and Alabama Coastal Management Board; and

WHEREAS, he is noted for his work throughout the world, having participated in many short, advisory or consultant activities through the U. S. Geological Survey, the State Department and United Nations in Asia, Europe and South America, as well as in the United States; and

WHEREAS, Dr. LaMoreaux is recognized as an expert in the field of hydrology and has set up comprehensive water resources investigations in the U. S. and abroad; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledge with grateful appreciation the innumerable contributions of Dr. Philip E. LaMoreaux to his chosen field, while wishing his continued success with his teaching responsibilities at the University of Alabama, in his pursuit of a writing career and in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. LaMoreaux as evidence of our high esteem.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 12

H.J.R. 34—Turnham

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF CURT EDDENS.

WHEREAS, On Sunday, January 23, 1977, the Legislature of the State of Alabama was shocked and saddened by the tragic and untimely death of Curt Eddens who was killed by electrocution in an accident suffered at the young age of 24; and

WHEREAS, Curt Eddens of Wilmington, North Carolina, a senior in Mechanical Engineering at Auburn University and the son of Mr. and Mrs. Fletcher Eddens of Wilmington, exhibited throughout his short lifetime a youthful and aspiring outlook, vivacity and a warmth of personality, that served as an inspiration to all those privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn, and do deeply regret, the death of Curt Eddens and express our deep and sincere sympathy to his parents Mr. and Mrs. Fletcher Eddens, and his family to whom a copy of this resolution shall be sent.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 13

H.J.R. 35—Turnham

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF ROGER BROOKSHIRE.

WHEREAS, On Sunday, January 23, 1977, the Alabama Legislature was shocked and saddened to learn of the tragic and untimely death of Fire Department Captain Roger Brookshire, who was 31; and

WHEREAS, Roger Brookshire who resided in Auburn, Alabama and was a veteran member of the Auburn Fire Department, was a model of outstanding courage and devotion to duty as he rushed to the aid of a stricken student, a victim of electrocution; and

WHEREAS, Captain Brookshire, an Emergency Medical Trained Fireman, was struck down in the line of duty, while exhibiting the admirable attributes of concern and love for his fellowman, without regard for his own safety; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Captain Roger Brookshire of Auburn and express our deep and heartfelt sympathy to his widow, Mrs. Roger L. Brookshire of Auburn, and to his parents, Mr. and Mrs. J. B. Brookshire of Roanoke, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we do commend and recognize the prompt, courageous and highly trained response and actions of the Auburn Fire Department, and direct that a copy of this resolution be sent to the Department for appropriate display as a memorial to Captain Roger Brookshire.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 14

H.J.R. 36—Venable, Plaster

HOUSE JOINT RESOLUTION

DESIGNATING THE NINTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 21, 1977, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION

WHEREAS, since 1969, the citizens of the Tri-Community area of Millbrook, Robinson Springs and Coosada have come together annually at the Millbrook Festival to honor the United States Armed Forces; and

WHEREAS, the Millbrook Festival was formed for the purposes of: honoring the members of the United Armed Forces who have made so many sacrifices so that all our citizens may enjoy today's freedoms; developing and maintaining good public relations and fellowship within the community; raising funds to meet local civic needs, particularly for the volunteer fire department and recreational areas; promoting the advantages of this picturesque community which sits amid rolling hills, lush plains and fertile soil; and fostering among its residents a genuine appreciation of their community and its rich cultural heritage; and

WHEREAS, the Millbrook Festival is under the guidance

of seven directors of the board and the Millbrook Festival Committee comprised of over twenty participating civic groups, all of whom have been an inspiration exhibiting an enthusiastic community spirit and pride, dedicated to the betterment and progress of their citizens; and

WHEREAS, the ninth annual Millbrook Festival will be held May 21, 1977 to honor the Montgomery area members of the United States Armed Forces; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend all those participants of the Millbrook Festival for their true community spirit and we do designate the Ninth Annual Millbrook Festival Armed Forces Day Celebration, to be held on May 21, 1977, as the official Montgomery Area Armed Forces Day Celebration.

BE IT FURTHER RESOLVED, That we do urge all citizens of the Montgomery area to support this worthwhile celebration.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. Warren Hall, Jr., Chairman of the Millbrook Festival, all news papers in the Wetumpka, Prattville, Tallassee, and Montgomery area, and to the other news media in the Montgomery area.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 15 H.J.R. 45—Sonniier, Sandusky, Cooper, Kennedy, Buskey, Johnstone, Glass, McCulley, Callahan, McMillan

HOUSE JOINT RESOLUTION

CONGRATULATING MISS DORIS BENDER UPON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY AND AS DIRECTOR OF THE MOBILE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

WHEREAS, Miss Doris Bender on December 31, 1976, did retire from state service having served as Director of the Mobile County Department of Pensions and Security for the past thirty-three years; and

WHEREAS, she has served with the Alabama Department of Pensions and Security for the past forty-three years; and

WHEREAS, because of her life-long, deeply-felt concern for the needy, she has devoted her tremendous capabilities in a life-long unswerving effort to alleviate the plight of the less fortunate; and

WHEREAS, because of her efforts, she has overseen a tremendous growth in the amount of assistance to the needy, both in terms of monetary assistance and services, and

WHEREAS, although she has been untiring in her efforts as Director of the Mobile County Department of Pensions, she has also contributed much to Mobile through her numerous activities in community affairs, which effort she plans to continue; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Miss Doris Bender for outstanding and unparalleled service to this State and to the Alabama Department of Pensions and Security and the people of Mobile County.

BE IT FURTHER RESOLVED, That we wish Miss Doris Bender much happiness and satisfaction in her future endeavors.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Miss Doris Bender.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 16 H.J.R. 46—Sonnier, Kennedy, Buskey, McMillan,
Glass, McCulley, Sandusky, Callahan

HOUSE JOINT RESOLUTION

CONGRATULATING SHERIFF TOM PURVIS FOR CREATING AND DEVELOPING THE MOBILE COUNTY SHERIFF'S DEPARTMENT JUNIOR DEPUTY PROGRAM.

WHEREAS, Sheriff Tom Purvis did found in March, 1975, the Mobile County Sheriff's Department's Junior Deputy Program; and

WHEREAS, the Junior Deputy Program has as its objective increasing the awareness and respect of youth in Mobile County for law enforcement; and

WHEREAS, the Junior Deputy Program in its first year trained more than 5300 youth and, in this school year, will reach more than 18,000 youth in 68 public, parochial and private schools in Mobile County; and

WHEREAS, the Mobile County Sheriff's Department's Junior Deputy Program is most ably carried out by the untiring efforts of the personnel of the Mobile County Sheriff's Department's Youth Aid Division, under the able direction of Sheriff Tom Purvis; and

WHEREAS, the Junior Deputy Program should serve to prevent and limit the growth of crime among juveniles in Mobile County; and

WHEREAS, Sheriff Tom Purvis should be heartily commended for developing this unique program which aptly reflects his deep and sincere concern for all young people; and

WHEREAS, the Mobile County Sheriff's Department's Junior Deputy Program is an outstanding example of the programs supported by the Alabama Law Enforcement Planning Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Sheriff Tom Purvis for his outstanding service to this State and to the people of Mobile County for establishing and developing the Mobile County Sheriff's Department's Junior Deputy Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Tom Purvis and to his family.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 17 H.J.R. 47—McCorquodale, Dial, Mitchem, Quarles, McCluskey, Callahan, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan,

McNair, McNees, Manley, Martin,
Merrill, Moore (O), Moore (W),
Morris, Naramore, Owens, Pegues,
Plaster, Porter, Reed, Rich, Reddick,
Roberts, Robertson, Sandusky, Sasser,
Shelton, Smith (B), Smith (C),
Smith (J), Smith (M), Sonnier,
Sparks, Starkey, Taylor, Trammell,
Tucker, Turnham, Venable, Waggoner,
Warren, Weeks, Whatley, White,
Williams, Wyatt

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF MRS. JEAN BRANDLI.

WHEREAS, it has been learned that Mrs. Jean Brandli is currently hospitalized at Spain Rehabilitation Center, following a stroke; and

WHEREAS, this body is mindful and deeply appreciative of the many contributions of Mrs. Brandli toward the betterment of her community; and

WHEREAS, her illness is an experience of shared distress and concern by all her family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most earnestly beseech her early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Brandli that she might know of our good wishes and deep feelings.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 18

H.J.R. 12—Falkenburg, Drake

HOUSE JOINT RESOLUTION

COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, Dr. S. Richardson Hill was recently named President of the University of Alabama in Birmingham; and

WHEREAS, Dr. Hill has served as UAB's vice president for health affairs and director of the Medical Center since 1968

and is recognized as one of the nation's foremost educators and administrators; and

WHEREAS, under Dr. Hill's leadership, the Medical Center has attained a position of preeminence among health institutions in the United States; and

WHEREAS, Dr. Hill came to the Medical College of Alabama in 1954 as an assistant professor of medicine, became an associate professor of medicine in 1957, professor in 1962, and was also selected Dean of the Medical School in 1962; and

WHEREAS, as chief executive officer of the Medical Center and dean of medicine Dr. Hill has worked untiringly toward increasing enrollment and expanding all phases of health education to help meet Alabama's need for more health professionals; and

WHEREAS, Dr. Hill is also the director of the University of Alabama System medical education program overseeing medical education at the Tuscaloosa, Huntsville, and Birmingham campuses; and

WHEREAS, in 1976 Dr. Hill received the highest honor for UAB Medical Centers can give one of its faculty members when he was selected 1976 Distinguished Faculty Lecturer; and

WHEREAS, the Medical Center is currently in the midst of one of the largest building programs in the center's history coming about after years of thoughtful planning and creative development that have been the hallmark of Medical Center during Dr. Hill's tenure; and

WHEREAS, Dr. Hill is a graduate of Duke University, the Bowman Gray School of Medicine of Wake Forest University and served his internship and residency at the Harvard University's Peter Bent Brigham Hospital and further served in the U. S. Air Force and on the medical faculty of Harvard University before coming to UAB; and

WHEREAS, Dr. Hill is a man of the vision and foresight needed to guide the University of Alabama in Birmingham as a total urban university; and

WHEREAS, the University and the State of Alabama are both fortunate to have a man of Dr. Hill's talent and proven ability to lead UAB; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body heartily commends Dr. S. Richardson Hill on his selection as President of the University of Alabama in Birmingham.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Hill.

Approved February 14, 1977.

Time: 4:00 P.M.

HOUSE JOINT RESOLUTION

Act No. 19

H.J.R. 13—Holmes (A)

COMMENDING DR. M. C. CLEVELAND, SR. FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

WHEREAS, Dr. M. C. Cleveland, Sr., Pastor of the Day Street Baptist Church in Montgomery, Alabama, has served long, diligently and untiringly in Religious, Educational and Civic affairs in his community; and

WHEREAS, In addition to holding many other offices and positions, he is now serving as chairman of the Board of Trustees of Selma University; and

WHEREAS, Dr. Cleveland has given unselfishly of his time and talents, contributing immeasurably to the well-being and needs of his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Dr. M. C. Cleveland, Sr. for his years of long service to the public.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Cleveland to show our appreciation for his diligence and dedication.

Approved February 14, 1977.

Time: 4:00 P.M.

Act No. 20

H. 100—Manley, Armstrong, McCluskey,
Clark, Harris

AN ACT

To adopt a Code of laws for the State of Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the manuscript as prepared by The Bobbs-Merrill Company and The Michie Company, jointly, as The

Code Commissioner, in accordance with and pursuant to the provisions of the contract dated February 11, 1974, as amended on January 26, 1976, and as further amended on February 19, 1976, by and between the said companies, on the one part, as the Code Commissioner, and the State of Alabama, acting by and through the Governor, on the other part, entered into under the authority of Act 1160 (S. 895) of the 1969 Regular Session of the Legislature, approved September 13, 1969, providing for the revision, digesting and codification of all of the statutes of the State of Alabama of a general and permanent nature, including all of the general acts enacted into law during the Fourth Extraordinary Session of the 1975 Legislature, as such manuscript has been revised, amended and corrected as reported by the Joint Committee of the Senate and the House of Representatives of the State of Alabama created for such purpose under the provisions of Act 510, (SJR 124) of the 1976 Regular Session of the Legislature created for such purpose, which said manuscript is identified and authenticated by the official seal of the said Joint Committee placed upon the front and back covers of each of the 24 volumes of said manuscript and upon the first and last pages of each of the 44 "Titles" thereto and which said revisions, amendments and corrections is identified and authenticated by the official seal of the Joint Committee placed upon each of the pages thereof, be and the same is hereby adopted and enacted as the Code of Alabama, which shall be known as the "CODE OF ALABAMA 1975", and may be so cited.

Section 2. The CODE OF ALABAMA 1975, as herein adopted, shall go into effect and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication, and said Code shall govern completely, so far as a statute can, the subjects to which it relates.

Section 3. It is hereby declared that all of the duties and responsibilities to read, revise, amend and correct the manuscript for a new Code of Alabama as committed by sections 12 and 13 of Act 1160 of the 1969 Regular Session of the Alabama Legislature to the members of the Legislative Council as constituted on the effective date of said act have been heretofore transferred and committed to and have been discharged by the Joint Committee of the Senate and House of Representatives of the State of Alabama created under the provisions of Act 510, (SJR 124) of the 1976 Regular Session of the Legislature of Alabama.

Section 4. All statutes of a general and permanent nature not included in the CODE OF ALABAMA 1975, are repealed on the date on which such Code becomes operative and effective; provided, that such repeal shall not affect those statutes specifi-

cally declared to be not repealed by section 1-1-10 of the CODE OF ALABAMA 1975; nor shall such repeal affect any statute enacted into law by the Legislature after the adjournment sine die of the Fourth Extraordinary Session of the 1975 Legislature, on November 18, 1975. Notwithstanding the provisions of the preceding sentence, any provisions of any statute in effect on the effective date of the Code hereby adopted which relates to, regulates or otherwise affects recorders or recorders' court is continued in effect until December 27, 1977, whether such statute is included in the Code hereby adopted or not, but any such statute is repealed effective December 27, 1977.

Section 5. It is the intent of the Legislature that the adoption of the CODE OF ALABAMA 1975, shall not repeal any statute relating to the salary or compensation of any state officer or employee or any person receiving a portion of his salary from the state, whether such statute fixes the amount of salary or compensation in a specific amount or by a minimum or maximum amount, provides for additional compensation for the performance of specified services or duties or provides for increases in ranges or percentages; nor shall the adoption of the CODE OF ALABAMA 1975 in any way change the amount or rate of compensation of any such officer, employee or person, notwithstanding the fact that the salary or compensation of such officer, employee or person is not set out in the Code hereby adopted; nor shall such Code in any way repeal or amend any salary or compensation established by the state judicial compensation commission. The salary or compensation of all such officers, employees and other persons shall continue at the same rate or in the same amount as that established pursuant to law prior to the effective date of such Code until changed by or pursuant to law.

Section 6. Upon passage and approval of this act, the Code Commissioner shall proceed to print the Code according to the terms of the contract referred to in section 1 of this act. When the printing of the Code is completed, the Code Commissioner shall certify that the same has been compared with the final manuscript adopted by the Legislature and that the CODE OF ALABAMA 1975, as printed, is the same as the manuscript adopted by the Legislature. The duly authenticated manuscript together with the authenticated revisions, amendments and corrections thereto, and together with the minutes of the Joint Committee created under said Act 510 of the 1976 Regular Session of the Legislature and other records pertaining thereto, shall be transmitted to the Secretary of State, who shall file said manuscript, revisions, amendments and corrections, and the minutes and records in that office. Said manuscript, the revisions, amendments and corrections, and the minutes and records shall not

be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 7. Following the passage and approval of this act and prior to the final printing of the Code hereby adopted, should any nonsubstantive errors, including but not limited to typographical errors, misspellings or incorrect section references, be found in the manuscript of such Code, the Code Commissioner, is authorized to correct such errors in such Code. Any such corrections shall be reported to the Secretary of State, who shall file such corrections with the final approved manuscript and minutes and other records referred to above.

Section 8. The CODE OF ALABAMA 1975, as printed and published, with the certificate of the Code Commissioner provided for in section 6 of this act, shall be received as the law in all courts and in all proceedings before any board, commission, agency or other body or any officer of this state; provided, however case notes and annotations, history, editor's notes, cross references, research references, tables and indexes of the CODE OF ALABAMA 1975 and other similar matters shall not constitute nor be construed as a part of the laws of this State.

Section 9. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved February 15, 1977.

Time: 8:30 P.M.

Act No. 21 S.J.R. 22—McDonald (A), Peden, McDonald (S),
Noonan, St. John, Roberts, McMillan,
King, Little, Baker, Vacca, Mitchell
and Perloff

HOUSE JOINT RESOLUTION

JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

WHEREAS, Unlike Mississippi, Tennessee, Kentucky and other states in the TVA service area, Alabama has never had

representation on the TVA Board of Directors, although the Tennessee Valley Authority Act specifically embraces Alabama as the home of the agency; and

WHEREAS, Mr. Charles R. Mitchell, who is now serving as Executive Secretary to Senator James Allen, and has so served in this capacity since 1969, serving previously to that time for thirteen years in the office of Senator Lister Hill, co-author with Senator George Norris of Nebraska of the bill which created the Tennessee Valley Authority; and

WHEREAS, Mr. Mitchell has a thorough understanding of the mission of TVA in serving the people of the Tennessee Valley and its mandate to advance the economic development of the region, having been intimately involved in all legislation which was required to enable TVA to meet its responsibilities, and possessing a detailed working knowledge of legislation and programs concerning water resource development, especially TVA's activities in the fields of energy, water transportation, flood control, fertilizer, and conservation; and

WHEREAS, Mr. Mitchell's identification with TVA is life-long having been reared on a TVA reservation and having received his earliest schooling in a TVA school and remaining a legal resident of Muscle Shoals where TVA had its genesis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly feel that representation of Alabama on the TVA Board of Directors is long overdue, and do join with the Alabama Democratic Congressional delegation in recommending and urging the appointment of Mr. Charles R. Mitchell to fill the vacancy now existing on the Board of Directors of The Tennessee Valley Authority.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of The United States and to each member of the Alabama Democratic Congressional delegation.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 22

S.J.R. 240—Vacca

HOUSE JOINT RESOLUTION

CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, HJR 326, OF THE 1976 LEGISLATURE AND POST-

**PONING THE DAY FOR FILING ITS FINAL REPORT AND
EXTENDING THE EXISTENCE OF SAID COMMITTEE.**

WHEREAS, Act No. 755, HJR 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, HJR 326, 1976 Regular Session, report its findings not later than the tenth legislative day and that the life of this Committee shall expire on the 30th legislative day of the 1977 Regular Session.

Approved February 18, 1977.

Time: 11:30 A.M.

ACT No. 23

H.J.R. 42—Sparks

HOUSE JOINT RESOLUTION

**COMMENDING AND PRAISING THE ADDISON HIGH
SCHOOL FOOTBALL TEAM FOR WINNING THE 1976
STATE 1A CHAMPIONSHIP.**

WHEREAS, the Addison High School "Bulldogs" won the 1976 State 1A Championship; and

WHEREAS, this team completed a perfect season, accumulating an impressive total of 364 points this season, yielding only 74 to their opponents; and

WHEREAS, former Coach A. G. Hicks, who is now Principal of Addison High School, holds a career record during 20 years of coaching of 147 "Wins," only 51 "losses" and 8 "ties," and Coach Allen Stephenson during two years as Head Coach records 24 "Wins" to only 3 "losses"; and

WHEREAS, the Bulldogs worked diligently, long and hard to achieve this outstanding honor, displaying the admirable attributes of good sportsmanship and fair play; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, praise and heartily congratulate the Addison High School Bulldogs for their spectacular achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the head coach and to each member of the team.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 24

H.J.R. 43—Dial

HOUSE JOINT RESOLUTION

RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

WHEREAS, The Honorable John Bunyan Toland, Judge of Probate, Ashland, Clay County, Alabama, had served as a dedicated leader of the Clay County Rural Development Committee for six years; and

WHEREAS, Judge Toland has been concerned with the total range of economic and social problems in Clay County and the surrounding areas; and

WHEREAS, he has supported programs of public health, mental health, Clay County Rescue Squad, Hugo Black Memorial Library, Title X Program, Rural Water Systems, Ashland and Lineville Water Systems, and the RC & D Project, also taking part in the Attitude Survey, Clay County Fire Ant Program, Employment Survey, and the Rural Community Fire Department work; and

WHEREAS, he has led in establishing the Clay County Planning Office with a full-time county planner, has established a county-wide garbage collection program and sanitary landfill area, and has increased road improvement with construction of Highway 77, between Ashland and Talladega, and promoted construction of the new Cragford Bridge; and

WHEREAS, Judge Toland has promoted industrial de-

velopment in view of a county industrial park, has given devoted service and commendable leadership as Chairman of Clay County Rural Development Committee, Secretary to RC & D Council, Member of A-95 Review Committee for the East Alabama Regional Planning Commission, Hospital Medical Facilities Guiding Organizations Health Chairman, Contracting Officer for Ketchepedrakee and Crooked Creek Watershed, and Director of the Tallapoosa-Highland Lake Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend The Honorable John Bunyan Toland for his untold contributions to the citizens of Clay County and of his state.

BE IT RESOLVED FURTHER, That, as a token of our high esteem, a copy of this resolution be sent to Judge Toland.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 25

H.J.R. 44—McCluskey

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

WHEREAS, Mrs. Janice Proctor is married to Attorney Lister Proctor and is the mother of two young children; and

WHEREAS, Mrs. Proctor is a native of Lineville and holds a masters degree in Special Education from the University of Alabama; and

WHEREAS, Mrs. Proctor served as the first president of the Talladega County Association for Retarded Citizens; and

WHEREAS, Mrs. Proctor has voluntarily contributed countless hours of her time to the advancement of programs sponsored by the Association for Retarded Citizens; and

WHEREAS, Mrs. Proctor was very instrumental in the organization's first fund raising drive, which netted over \$10,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily congratulate Mrs. Janice Proctor upon being named 1976 Citizen of the Year for Talladega County.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mrs. Janice Proctor.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 26

H.J.R. 48—Venable, Plaster

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.

WHEREAS, The Elmore County High School "Panthers" won the 1976 State 2A Football Championship; and

WHEREAS, This fine team ended an outstanding 1976 season winning thirteen games and losing only one; and

WHEREAS, Coach Terry Burt, Head Coach at Elmore County High School for thirteen years, and assistants Abraham Brown, Tom McGhee and Bill Hill worked countless hours helping to develop this winning team; and

WHEREAS, Each team member worked diligently, long and hard, contributing greatly to his team's success and also exhibiting the enviable attributes of good sportsmanship and fair play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, highly praise and heartily congratulate the Elmore County High School Panthers on receiving the State 2A Crown.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to Mr. C. F. Wingett, principal of Elmore County High School, to Coach Terry Burt and his assistant coaches, and to each member of the team.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 27

H.J.R. 49—Venable, McNees, Plaster, Wyatt,
Morris

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF
TALLASSEE.

WHEREAS, The Alabama legislature has noted with a sense of deep regret the death of John Edward "Hot" O'Brien of Tallassee, at the age of 70, in Baptist Medical Center, Montgomery, on January 18, 1977; and

WHEREAS, "Hot" O'Brien, a nickname acquired in college and by which he became almost exclusively known throughout the remainder of his life, was a fine and outstanding athlete a legendary coach, a dedicated teacher, a devoted husband and a real gentleman; and

WHEREAS, He compiled an enviable record during a coaching career of eighteen years of one-hundred twenty wins, only twenty-eight losses and seventeen ties, in addition to an accomplishment of fifty-eight consecutive games without a defeat, marred only by one tie; and

WHEREAS, Coach O'Brien, who earned twelve letters while at Birmingham-Southern and led his basketball teams to the state tournament in twelve of fourteen years he coached them, was primarily interested in the physical and moral development of his players, stressing fair play as their chief objective, rather than winning or setting records; and

WHEREAS, He was a leader in many other fields as well, having taught a Sunday School class for thirty years, serving as a deacon and trustee in his church, serving as president of the Tallassee Rotary Club, and as recreation director for the city for sixteen years; and

WHEREAS, John Edward "Hot" O'Brien will be grievously missed and deeply mourned by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of Coach John Edward "Hot" O'Brien, and extend to his wife, Mrs. Clara Lee O'Brien of Tallassee, and to his family, the deep and heartfelt sympathy of this body.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. O'Brien.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 28

H.J.R. 53—Dial, McNees

HOUSE JOINT RESOLUTION

NAMING THE HIGHWAY 49 BRIDGE IN CLAY COUNTY "THE HENRY DAVID RILEY BRIDGE."

WHEREAS, Henry David Riley, the eldest son of eleven children, was a member of one of the pioneer families of Clay County; and

WHEREAS, Mr. Riley worked tirelessly in various occupations: Farming, construction, saw milling, and later opened his own grocery store, believing emphatically in the old-fashioned virtues of thrift, hard work, discipline, God and country; and

WHEREAS, the people of Clay County wish to honor Mr. Riley, a man whose generosity, respect and empathy for his fellow man endeared him to everyone who knew him, and whose untimely death in 1962 grieved all of Clay County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to memorialize this outstanding citizen of Clay County and do hereby resolve that the Highway 49 Bridge in Clay County be named "the Henry David Riley Bridge."

RESOLVED FURTHER, That the highway director shall, as soon as possible, provide and erect signs so designating the newly-named bridge.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 29

H.J.R. 59—Howard, Armstrong

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CLINTON LEWIS.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the recent death of Clinton Lewis of Bessemer, Alabama; and

WHEREAS, this body is aware that Mr. Lewis, a long-time labor leader in Alabama, also contributed immeasurably to the enrichment and betterment of religious and civic affairs of his community; and

WHEREAS, Clinton Lewis was a man who gained the respect and fond feelings of all those who knew him, he will be

long remembered and sadly missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn and regret the recent death of Clinton Lewis and express our deep and heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 30 H.J.R. 61—Wyatt, Smith (C), Warren, McCulley, Lewis, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE RUFUS LEWIS ON BEING NOMINATED FOR THE POSITION OF UNITED STATES FEDERAL MARSHAL.

WHEREAS, our distinguished and esteemed colleague, Rep-

representative Rufus Lewis of Montgomery, who represents the 77th district, has been nominated by President Carter, on the recommendations of United States Senators John Sparkman and James Allen, for the position of Chief Federal Marshal here in Montgomery; and

WHEREAS, Representative Lewis, a graduate of both Alabama State and Fisk Universities is actively and deeply involved in the religious, civic and business affairs of his hometown, and has served in the past as Chairman of the Alabama Democratic Conference and as a member of the State Democratic Executive Committee; and

WHEREAS, he was elected to the Alabama House of Representatives from the 77th House district in 1974, and since that time, has served ably, diligently and enthusiastically, working long and hard for the enrichment of the needs of his district and for the progress and betterment of his entire state; and

WHEREAS, this body is aware, indeed, of the countless offices and positions that have been bestowed upon our respected associate in the House, and is mindful, too, that this Presidential nomination is truly an honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate, and heap praise upon, Representative Rufus Lewis on being nominated United States Federal Marshal, with all good wishes for continued success in this new endeavor and in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Lewis as a token of our esteem.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 31	H.J.R. 62—McCulley, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard,
------------	---

Hines, Holley, Holmes (A),
 Holmes (D), Hopping, Howard,
 Jackson (F), Jackson (R),
 Johnson, Johnstone, Jolly, Kelley,
 Kennedy, Killian, Kinsey, Lee,
 Leonard, Lewis, Lockett, Lutz,
 McCluskey, McMillan, McNair,
 McNees, Manley, Martin, Merrill,
 Mitchem, Moore (O), Moore (W),
 Morris, Naramore, Owens, Pegues,
 Plaster, Porter, Quarles, Reed,
 Rich, Riddick, Roberts, Robertson,
 Sandusky, Sasser, Shelton,
 Smith (B), Smith (C), Smith (J),
 Smith (M), Sonnier, Sparks,
 Starkey, Taylor, Trammell, Tucker,
 Tucker, Turnham, Venable,
 Waggoner, Warren, Weeks,
 Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GROVER LAMAR AGEE,

WHEREAS, the Alabama Legislature has learned with a sense of loss and deep regret of the death of Grover Lamar Agee of Chatom, Alabama; and

WHEREAS, Grover Agee, born March 9, 1921, at Campbell, Alabama, was educated in Campbell where he graduated from the Thomasville High School, then served his country with honor and distinction in the United States Army Air Force from 1942-1945; and

WHEREAS, he received his Degree in Pharmacy from Auburn University in 1951 and entered the practice of pharmacy in Chatom, subsequently serving on the City Council during 1960-1964, and as Mayor from 1964-1966; and

WHEREAS, Grover Agee was elected to the House of Representatives in 1966, serving his district and state with great ability and dedication from 1967-1974; and

WHEREAS, we shall sorely miss our beloved former colleague, a prominent and influential leader in the civic and religious life of his community and state whom we long admired and respected and were proud to call our friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Grover Lamar Agee and express our deepest and most sincere sympathy to his widow, Mrs.

Barbara Inez Terry Agee, and his family to whom a copy of this resolution shall be sent.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 32

H.J.R. 64—Biddle

HOUSE JOINT RESOLUTION

PRAISING THE AWFUL TALENTS AND MANY ACCOMPLISHMENTS OF JOHN ED WILLOUGHBY.

WHEREAS, John Ed Willoughby, hereinafter referred to affectionately and loftily as John Ed, has joined with his partner, Tommy Charles, to wax eloquent with spontaneity and singular humor over the airways of WSGN-Radio, Birmingham and is sky-rocketing the "T.C.-John Ed" show to the top of the ratings; and

WHEREAS, John Ed survived his accident prone early years in the West End area of Birmingham to go on to Baylor in Chattanooga for a period of two years, during which time he participated in all sports, was president of his freshman class and chairman of the Junior Honor Council, all a matter of record though considered doubtful by his boon companion, T. C.; and

WHEREAS, during the following years at West End High School, John Ed played football, basketball and baseball, was voted wittiest of the class—and that was a bad mistake, according to T. C.; was named to the All-City basketball team, and in 1953 played so well in the East-West baseball game that he was sought out by five major league scouts; fortunately (?) for T. C., he decided against such a career; and

WHEREAS, upon leaving the University of Alabama, Big John Ed became a furniture entrepreneur, and shortly thereafter got into a sideline that mushroomed into a sidesplitting meeting of wit and wisdom with side-kick, T. C.; and

WHEREAS, this man of many faces can count among his talents—but using his fingers, says T. C.—those of after-dinner speaker, writer of stage and radio material, nightclub emcee, and bright and shining star of his top-rated radio show; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise and commend John Ed Willoughby of

Birmingham, Alabama for lovingly and brilliantly giving of himself to others—a gift of laughter to his friends and fans who know, through him, that “the best of healers is good cheer.”

BE IT FURTHER RESOLVED, That copies of this resolution be sent to John Ed and his wife, Jean, to their son, “J”—and to T. C. for lining his bird’s cage.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 33

H.J.R. 66—Smith (B), Riddick, Lutz,
Gregg, Albright, Moore (W), Martin

HOUSE JOINT RESOLUTION

TO NAME THE CENTER FOR ENVIRONMENTAL AND ENERGY STUDIES AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE, ALABAMA IN HONOR OF DR. KENNETH E. JOHNSON.

WHEREAS, the idea of an Alabama Solar Energy Center in Huntsville to support state needs was conceived by Dr. Kenneth E. Johnson, Director of the Center for Environmental and Energy Studies at the University of Alabama in Huntsville; and

WHEREAS, Dr. Kenneth E. Johnson has been active in environmental and energy research studies and programs throughout the State of Alabama; and

WHEREAS, the State of Alabama now proposes to designate and implement a Solar Energy Center; and

WHEREAS, the unusual scope and integration of resources to be offered by the Alabama Solar Energy Center are a function of its distinctive nature as conceived by Dr. Kenneth E. Johnson; now, therefore:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING; That the Center for Environmental and Energy Studies be named the Kenneth E. Johnson Environmental and Energy Center in honor of the late Dr. Kenneth E. Johnson.

BE IT FURTHER RESOLVED; That the proper authorities at said center shall cause the facility to be so designated by signs or otherwise.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 34

H.J.R. 71—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT when the two houses adjourn today they adjourn to meet again on Thursday, February 17, 1977, and that when they adjourn on Thursday, February 17, 1977, they adjourn to meet again on Wednesday, February 23, 1977, and when they adjourn on Wednesday, February 23, 1977, they will adjourn to meet again on Thursday, February 24, 1977.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 35

S. J. R. 17—McMillan

SENATE JOINT RESOLUTION

CONDEMNING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION.

WHEREAS, The United Nations Declaration of Human Rights was signed by the U.S.S.R., which declaration guaranteed to all people the right of free emigration; and

WHEREAS, The Conference on European Security and Cooperation known as the Helsinki Accords called for the free exchange of information between nations and the reunification of families; and

WHEREAS, The U.S.S.R. refuses to abide by the terms of both the Declaration and the Accords in that the U.S.S.R. among other things refuses to permit free emigration and refuses to recognize the rights of its citizens to leave the country permanently; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we condemn the U.S.S.R. for its refusal to abide by the terms of the United Nations Declaration of Human Rights (1973) and the Conference on European Security and Cooperation (1975).

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Secretary of the

Central Committee of the Communist Party of the U.S.S.R., and the U.S.S.R. Ambassador to the United States.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 36 S.J.R. 18—McMillan, Pearson, Bank and Fine
SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILMER S. POYNOR, JR.

WHEREAS, The City of Birmingham and the State of Alabama have suffered a great loss in the death of Wilmer S. Poynor, Jr.; and

WHEREAS, Mr. Poynor, a Chartered Life Underwriter for New York Life Insurance Company for 42 years, was one of the outstanding insurance executives in Alabama; and

WHEREAS, He was the founder of Mountain Brook Crest Estate, one of the largest real estate developments in the 1950's, among his many civic and philanthropic responsibilities were membership in the Shades Valley Rotary Club, the vestry of St. Mary's Episcopal Church, the service as General Campaign Chairman of United Way's successful, \$2,490,675 fund drive for the year 1964, service as Director of YMCA; and

WHEREAS, Mr. Poynor, as a student, was a member of Sigma Alpha Epsilon Fraternity, Omicron Delta Kappa and Blue Key, and in his years of maturity developed an understanding of human nature and desire to serve his fellow man that won for him the respect and love of all those with whom he came in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do deeply mourn the death of Wilmer S. Poynor, Jr., and extend our warmest sympathy to his family.

BE IT FURTHER RESOLVED That we give thanks for the life of service of this great man; his memory will ever be an inspiration.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his widow and to his sons, Wilmer S. Poynor, III, Dr. John Worrell Poynor, and Frank Bouchelle Poynor, all of Birmingham.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 37

S.J.R. 19—Bank, Shelby, Gilmore,
Peden and Powell

SENATE JOINT RESOLUTION

COMMENDING JOE SEWELL ON BEING ELECTED
TO THE BASEBALL HALL OF FAME.

WHEREAS, Joe Sewell of Tuscaloosa was recently elected
to Baseball's Hall of Fame at Cooperstown; and

WHEREAS, Joe Sewell is affectionately known as "No
Strike Joe" for being struck out the fewest times of any player
in major league history with at least 7,000 trips to the plate—
114; and for being struck out only four times in 1925 and in
1929; and

WHEREAS, Joe Sewell in his 14 years as a player batted
.312 and drove in 1,051 runs; and

WHEREAS, Joe Sewell was previously inducted in the
Alabama Sports Hall of Fame; and

WHEREAS, Joe Sewell coached the University of Ala-
bama's baseball team from 1964 to 1968; and

WHEREAS, Joe Sewell played on the great Yankee base-
ball teams with Babe Ruth and Lou Gehrig, and had no small
hand in their success; and

WHEREAS, Joe Sewell while 78 years old is still full of
life and the competitive fires still burn in his keen eyes; and

WHEREAS, being elected to Baseball's Hall of Fame is
the ultimate honor for a baseball player; and

WHEREAS, there is no man more deserving of this honor
than Joe Sewell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-
BAMA, BOTH HOUSES THEREOF CONCURRING, That this
body extends its hearty congratulations to Joe Sewell upon his
election to the Baseball Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolu-
tion be sent to Joe Sewell.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 38

S.J.R. 21—Fine, Jones

SENATE JOINT RESOLUTION

WISHING KAREN LEWIS A HAPPY BIRTHDAY

WHEREAS, Mrs. Karen Lewis, one of the Lieutenant Governor's most invaluable and attractive secretaries, is observing her birthday today, February 3; and

WHEREAS, In return for her continuing excellent service and friendship, Karen deserves the very best wishes by all members of the Legislature on this special occasion; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish for Karen a very happy birthday, and wish her many more years of health and happiness.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 39

S.J.R. 23—Edwards, Fine, Peden, King

SENATE JOINT RESOLUTION

COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTING TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

WHEREAS, the keen insight and creative perception of Clete Quick made the North Alabama Legislative Council a reality in 1974; and

WHEREAS, the purpose of that Council was to enable the citizens to work more closely with their legislators and to express their feelings on matters of concern to North Alabama; and

WHEREAS, Mr. Quick spent countless hours, travelled over 10,000 miles and spent personal funds in developing, organizing and raising funds for the Council; and

WHEREAS, this fine Alabamian, who was born and raised in North Alabama, over a period of many years has spent great energies for the expansion and betterment of this region and all of its citizens; and

WHEREAS, Mr. Quick has been an influential leader in the civic and social life of his community; and

WHEREAS, Mr. Quick has contributed generously of his time, talents and means to the Tourism Bureau and Heart Association of Decatur and served as past president of the Alabama Mountain Lakes Association and currently is a member of the Board of Directors of the Decatur Chamber of Commerce; and

WHEREAS, the business acumen of Mr. Quick, owner and operator of radio station WMSL, has earned him the respect and admiration of all who know him; and

WHEREAS, because of the many talents, vision, dedicated energies and leadership of Mr. Clete Quick, the North Alabama Legislative Council united legislators and citizens alike in effecting meaningful legislation and programs of concern for the people of North Alabama; and

WHEREAS, the legislators constituting the North Alabama Legislative Council wish to express their sincere respect for and admiration of Mr. Clete Quick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mr. Clete Quick of Decatur, Alabama, for his tireless energies, enthusiasm and devotion to the needs of the North Alabama region, its legislators and citizens and thank him for using his perception in developing and guiding the North Alabama Legislative Council.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clete Quick.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 40

S.J.R. 235—Edwards

SENATE JOINT RESOLUTION

COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

WHEREAS, The Legislature of Alabama has noted the heroism of Jerry Boyd and Terry Spain, and the quick life-saving actions of Beverly Basham and Jim Rankin, all of Decatur, in saving the life of James F. Torbett on November 8, 1976; and

WHEREAS, Jerry Boyd and Terry Spain, two courageous young men who, without regard for, and at great risk to their own personal safety, did fearlessly brave the treacherous currents of the Tennessee River to rescue James F. Torbett from his sinking car after it plunged into the icy waters; and

WHEREAS, Beverly Basham and Jim Rankin, with quick and unselfish response, assisted in the rescue efforts by helping Boyd take the victim to the hospital, while Spain reported

the accident to lawmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise the quick-thinking and immediate actions and the unsurpassed courage of Jerry Boyd, Terry Spain, Beverly Basham and Jim Rankin.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to each of the above named rescuers as a token of our admiration and profound esteem.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 41

S.J.R. 236—Edwards

SENATE JOINT RESOLUTION

COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

WHEREAS, The Legislature of the State of Alabama has learned of the courage displayed by Jim Rombokas and Gary Whitlow of Caddo in rescuing Mrs. Twilah West from the icy waters of the Tennessee River after her sinking car plunged from a bridge; and

WHEREAS, these two courageous men, at great peril to their own lives, did unhesitatingly risk death to save the life of another; and

WHEREAS, we do feel the need of recognizing that, all too often, these are time of unconcern for one's fellowman, and such valor displayed by Jim Rombokas and Gary Whitlow is regrettably all too rare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with high praise, laud and honor, we commend the courageous actions of Jim Rombokas and Gary Whitlow, and direct that copies of this resolution be sent to them that they may know of our high esteem.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 42

S.J.R. 11—King, McDonald (A)

SENATE JOINT RESOLUTION

COMMENDING THE GRISSOM DISTANCE RUNNERS
FOR BREAKING THE STATE 24-HOUR RELAY RECORD.

WHEREAS, The Grissom 24-Hour Relay Team ran 242 miles and 10 yards, breaking the Alabama State record listed by Runner's World, the originator, sponsor and record keeper for the 24-Hour Relay; and

WHEREAS, the relay team worked diligently, long and hard to break this record; and

WHEREAS, the enthusiastic spirit and sportsmanship exhibited by the distance runners was outstanding; and

WHEREAS, Coaches Adam Williamson, Jim Batte and Morris Johnson are due much credit not only for the high degree of skillful instruction but also for the fine spirit and support shown to the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Grissom Distance Runners for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaches, to each team member and to the Huntsville Track Club.

Approved February 18, 1977.

Time: 11:30 A.M.

Act No. 43

S.J.R. 13—Noonan, Adams, Baker, Bank,
Clemon, Edwards, Ellis, Fine,
Gilmore, Goodwin, Jones,
King, Little, Littleton,
McDonald (A), McDonald (S),
McMillan, Miller, Mims,
Mitchell, Owen, Pearson,
Perloff, Perry, Powell,
Roberts, St. John, Shelby,
Stewart, Teague, Vacca,
Waldrop, Wilson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HIS EXCELLENCY, THE
MOST REVEREND ARCHBISHOP THOMAS J. TOOLEN.

WHEREAS, His Excellency, The Most Reverend Archbishop Thomas J. Toolen, retired Archbishop of Mobile-Birmingham Diocese, and outstanding and beloved citizen of the State of Alabama, slipped quietly in death from our midst on December 4, 1976, in Mobile; and

WHEREAS, this venerable and beloved man was the devoted spiritual leader of more than 140,000 Catholics in Alabama and Northwest Florida for over forty years; and

WHEREAS, Archbishop Toolen's citizenship in Alabama dates back to May 18, 1927, when he arrived from his native Baltimore, Maryland, to be installed as the sixth Bishop of Mobile Diocese; and

WHEREAS, in the forty-two years of his episcopacy Archbishop Toolen became THE symbol of the Catholic Church in Alabama and during his tenure he spearheaded the construction of more than 700 buildings, including 189 churches, 23 hospitals and more than 100 elementary and high schools, all of which contributed to the progress and welfare of this state; and

WHEREAS, the indomitable pioneering spirit and courage of this dauntless Christian leader were evident from the early years of his arrival in Alabama when he initiated and continued an expansive building program across our State in spite of the challenges and hardships of the Great Depression; and

WHEREAS, during his missionary and pastoral ministry, Archbishop Toolen travelled over one million miles in Alabama and Northwest Florida, spreading the gospel message in both eloquent oratory and humorous parables, and compassionately ministering to the needs of the orphans, the homeless, the sick, the dependent and the unwanted; and

WHEREAS, Archbishop Toolen engendered among the citizens of this State not only deep personal spiritual convictions, but he was at the forefront in enkindling the spirit of patriotism in his people, by establishing U.S.O. Clubs and leading war bond efforts; and

WHEREAS, Archbishop Toolen was a bold and consistent spokesman for the rights, liberties and dignity of all men, and was fearless in invoking all to meet their duties to God, their families, their state and their nation; and

WHEREAS, the honors bestowed on Archbishop Toolen during his sixty-six years as a priest and almost fifty years as a bishop, are too numerous to enumerate, they include the following: Named by Pope Pius XII as "Assistant at the Papal Throne" in 1949 and as "Archbishop ad Personam" in 1954; recipient of honorary degrees from St. Bernard College, Cull-

man, Alabama; Spring Hill College, Mobile, Alabama; Loyola College, Baltimore, Maryland (from which he graduated); St. Michael College, Winooski Park, Vermont; and the University of Alabama; the recipient of Shield of Blessed Gregory X, Crusader, the highest honor of the National Holy Name Society, in 1958; in 1961, Italy conferred its Commander of Order of Merit and The Knights of St. Peter Claver presented him their St. Peter Claver award; in 1962, Lebanon gave him its "Order of Cedars" medal; in 1966, the National Catholic Polish Union awarded him a Polish Citation and the Alabama Senate commended him by resolution for his leadership and wise guidance in behalf of the State of Alabama; and additionally, his peers lauded him as "Bishop of Catholic Action," "Bishop of Charity" and "The Greatest Catholic Missionary Bishop in the United States"; and

WHEREAS, Archbishop Toolen's warmth, love and affection for people was only exceeded by the self-same warmth, love and affection returned by them to him; and

WHEREAS, the citizens of the State of Alabama are immeasurably richer for having had Archbishop Thomas J. Toolen to live in their midst and to inspire the lives and hearts of so many, regardless of religious affiliations; and

WHEREAS, Archbishop Toolen throughout his life actively exemplified his episcopal motto, "Soli Deo Honor et Gloria" ("To God Alone be Honor and Glory"); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of His Excellency, The Most Reverend Thomas J. Toolen, and does wish to convey to the Catholic community our shared sense of personal loss which his death creates.

BE IT FURTHER RESOLVED, That by this Resolution we will perpetuate in our State's archives the memory of this man of legendary stature so that all our people may be inspired by his deep love for God, mankind and country.

RESOLVED FURTHER, That copies of this Resolution be sent to The Most Reverend John L. May, D.D., Bishop of Mobile and to the family of His Excellency, The Most Reverend Archbishop Thomas J. Toolen.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 44

S.J.R. 14--Noonan

SENATE JOINT RESOLUTION

COMMENDING THE CRICHTON OPTIMIST CLUB FOR ITS WORK WITH THE YOUTH OF MOBILE COUNTY AND THE STATE.

WHEREAS, The Crichton Optimist Club was awarded by the Mobile Civic Round Table recognition as the Outstanding Civic Club of Mobile (having 50 or less members) for the year 1975-76; and

WHEREAS, the Crichton Optimist Club has very ably carried out its purpose of youth recognition through such programs as: Youth Appreciation Week, oratorical contests, citizenship medals, and weekly football and tennis awards; and

WHEREAS, many recipients of the football awards have gone on to achieve recognition in the college and pro ranks; and

WHEREAS, the football award program has not only been well received by the football players and high school coaches, but by the community as well; and

WHEREAS, the football award program, now 20 years old, has withstood the test of time and has done much to help the youth of Mobile and has brought national recognition to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly commend and thank the Crichton Optimist Club for the outstanding contributions it has made to the youth of Mobile County and the State of Alabama.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 45

S.J.R. 16—Jones

SENATE JOINT RESOLUTION

COMMENDING MARCIA KUNSTEL FOR THE "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVOR.

WHEREAS, Ms. Marcia Kunstel has been staff writer for *The Montgomery Advertiser* during the last twenty-three months; and

WHEREAS, Ms. Kunstel has worked diligently in covering the activities of the legislature and state government from "Capitol Hill"; and

WHEREAS, Ms. Kunstel, who began with *The Advertiser* in police reporting five years ago, has demonstrated unique sensitivity to fair political reporting; and

WHEREAS, Ms. Kunstel's columns have been read by thousands; and

WHEREAS, Ms. Kunstel has made a great contribution to the citizens of this State by keeping them informed of the affairs of their government; and

WHEREAS, Ms. Kunstel will be moving to Atlanta to assume new journalistic responsibilities and her vision in political news reporting will be greatly missed in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Ms. Marcia Kunstel for her outstanding news coverage at "Capitol Hill" and wishes her much success in her new journalistic endeavors in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Marcia Kunstel.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 46

S. J. R. 239—Goodwin, Noonan, Owen, Bank

SENATE JOINT RESOLUTION

COMMENDING AND PRAISING KEN STABLER FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

WHEREAS, the Legislature of Alabama recognizes that many Alabama sons and daughters have brought credit, honor and fame to their native state by demonstrating their outstanding athletic abilities throughout the world; and

WHEREAS, Ken Stabler from Foley, Alabama stands tall among his peers, having led the Oakland Raiders to victory in the 1977 Super Bowl games, and holds the title of Most Valuable Player in the American Football Conference of the National League for 1976; and

WHEREAS, Kenny is a superb and brilliant athlete, a "winner" from boyhood who won twelve letters in high school and led his team to the state football championship, becoming a unanimous all-state selection and one of the most heavily sought after school boy athletes in the country; and

WHEREAS, "Snake," as he has come to be known, turned down a large bonus in professional baseball to choose the University of Alabama over more than one hundred other universities; and

WHEREAS, during his career at Alabama, his team had the unbelievable record of nineteen wins, two losses and one tie in the tough Southeastern conference and against equally tough bowl opponents, and Ken Stabler fast become one of the Alabama Crimson Tide football legends, also earning such impressive honors as All Southeastern Conference in 1966 and 1967 and Most Valuable Player in the SEC in 1966, All-American in 1967; and

WHEREAS, professional football has been a continuation of the "winner" in Ken Stabler, drafted number two in the 1968 NFL draft and in 1973 leading the AFC in passing with an amazing 62.7% completion mark—twelve wins, two losses and one tie under his leadership; and

WHEREAS, since that time Ken Stabler has gone on to capture innumerable other awards including All-Pro in 1974 for the second year in a row, again Most Valuable Player in the AFC, the Offensive Player of the Year by the Associated Press, and in 1976 was named as Outstanding Player in the American Conference of the NFL and also received the Hickcock belt award as Outstanding Athlete of the Year; and

WHEREAS, his innate talents and untiring efforts, oft-times despite injury and against seemingly insurmountable odds, have not been restricted to the acquisition of personal fame and glory, as Ken Stabler long has participated in programs dedicated to helping others, including deep involvement with the "Special Olympics" program for retarded youths; and

WHEREAS, Ken Stabler, hailed by Coach Paul Bryant of the University of Alabama as the "most complete athlete I ever coached," now resides with his lovely wife, Debby, in San Ramon, California during the football season, but always returns to his home state of Alabama in the off season—"Bear Country" where the legend of Ken Stabler will live for some time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

do praise, commend and honor Ken Stabler for his countless past records and achievements, and wish for him continued success in pursuit of his career and all further endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ken Stabler that he may know of our high esteem.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 47

S.J.R. 241—Stewart, Gilmore, Vacca, Miller, Noonan, Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald, (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK

WHEREAS, The State of Alabama has suffered a tragic loss in the untimely death of former Senator Richard Dominick, of Birmingham; and

WHEREAS, Richard Dominick, in his quiet way, was a determined and dogged pioneer in the field of legislative reform; the intensive study conducted by his interim committee led to a marked improvement in the legislative process that is still being felt and recognized; and

WHEREAS, The concept of a legislative fiscal office was originally his, although the act which created this office, which is proving to be an invaluable aid to the Legislature, does not bear his name; and

WHEREAS, Dominick's influence is still being felt in the workings of this Legislature; in death, his reputation as a statesman rather than a politician continues to grow; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That

we do salute the life and career of former Senator Richard Dominick, and express profound gratitude for his selfless devotion to duty and the many benefits to the State of Alabama for which he is responsible.

BE IT FURTHER RESOLVED That we do extend deepest sympathy to his widow, Mrs. Charlotte Lane Dominick, and his two sons, Rick and Dirk, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a page of the Journal of the Senate be set aside to honor the memory of Richard Dominick.

BE IT FURTHER RESOLVED That Act 108, Third Special Session 1975, the act which created the legislative fiscal office, be named the "Dominick Act."

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 48

S.J.R. 242—Stewart, Bank

SENATE JOINT RESOLUTION

CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Vaughn Stewart, of Anniston, has been elected by his student colleagues to the highest student position at the University of Alabama, that of student body president; and

WHEREAS, Vaughn has an interesting and varied political background, having served as a page in the House of Representatives as a teenager, as youth governor in the Youth Legislature, and as intern in the Washington office of U.S. Senator Jim Allen; and

WHEREAS, Vaughn, a junior in pre-law, has a bright future in the field of law and politics, and may well end up in these hallowed halls if he so desires; and

WHEREAS, Vaughn Stewart succeeds another Anniston student body president, Cleo Thomas, whom we also commend for his successful year in office; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do congratulate Vaughn Stewart on the great honor he has

received and which he so richly deserves; he is a credit to Calhoun County and the State of Alabama.

BE IT FURTHER RESOLVED That copies of this resolution be sent to him and his family.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 49

S.J.R. 244—King, McDonald, (A), Baker

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. KENNETH E. JOHNSON

WHEREAS, the Legislature of Alabama has just learned, with a sense of deep regret of the death of Dr. Kenneth E. Johnson in Huntsville, Alabama on Sunday, February 13, 1977; and

WHEREAS, Kenneth E. Johnson, who was a native of Huntsville, attended Berea College in Kentucky where he maintained an "A" average, received his B. S. degree from the University of Alabama and his PH D. from Iowa State University; and,

WHEREAS, Dr. Johnson, Director of the Center for Environmental and Energy Studies, was a former member and president of the Huntsville City Council from 1968 to 1970, who came to the University of Alabama at Huntsville as director of CEES in September, 1971 after two years with the Alabama Development Office in Montgomery; and

WHEREAS, while working in Montgomery, he was Science Advisor to Governor George C. Wallace, a position he held for a number of years during which time he also was a member of the Fifty State National governors' Council for Science and Technology, serving as this organization's secretary-treasurer, and was chairman of Region I, Alabama Regional Environmental Quality Control; and

WHEREAS, Dr. Johnson was a key person in obtaining a \$3,000,000 grant for Auto Check Resources Facilities which was awarded for the state and operated under a contract from UAH, he also was very active in the initial stages of local efforts to present Huntsville to the federal government as a likely site for the Solar Energy Research Institute, setting up five local committees to prepare feasibility reports to promote Huntsville for this facility location; and

WHEREAS, his interest and activities in professional, charitable and civic areas extended further to include membership in the Huntsville Rotary Club, The Twenty-Five Club, Community Council, Board of Directors for the Salvation Army, the formation and first Chairman of the Board of the Lincoln Girls' Club, member of the Alabama-Mississippi Sea Grant Management Committee, and innumerable other organizations; and

WHEREAS, Kenneth Johnson was a man of great proven ability who dedicated his life to contributing invaluable to the technological advancement of his state and nation, and will be profoundly missed by his family, friends and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, together with all citizens of our state, we are greatly grieved by the death of Dr. Kenneth E. Johnson, and share with his family in their great loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife Betty, their sons, David and John, and to their daughters, Susan and Jenny, that they may know of our heartfelt sympathy.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 50

S.J.R. 245—King, Baker, McDonald (A)

SENATE JOINT RESOLUTION

COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

WHEREAS, our state's already nationally famous Lee High School Band of Huntsville was honored once again by being selected to represent Alabama at the President's Inauguration in Washington, D.C.; and

WHEREAS, after countless hours of dedicated practice and preparation, Huntsville's Lee High Band performed with precision, and with music that "vibrates in the memory"; and

WHEREAS, much credit is due to Director Bob Baccus for the high degree of technical skill displayed by the band and to the band members' parents, principal Jasper Jenkins, and to the entire community for their faithful support; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate and highly commend the Lee High School Band of Huntsville for this, another, in a long list of impressive achievements and awards.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal Jenkins and to Band Director Bob Baccus.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 51

H.J.R. 75—Martin, Roberts, Drake

HOUSE JOINT RESOLUTION

HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

WHEREAS, Joe Jones, presently Head Basketball Coach and Athletic Director at Austin High School in Decatur, has entered a most select group of coaches by reaching his 500th victory during a career of twenty-eight years, all of which were spent in Morgan County, Alabama; and

WHEREAS, he began his career in Danville, Alabama, in 1949 and 1950, then coached in Austinville from 1950 to 1957, at Decatur High School from 1957 to 1962, and then at Austin High from 1962 until the present time, where he captured his 500th victory the first game of the 1976-1977 season, against Moulton High School on November 23, 1976; and

WHEREAS, under his brilliant leadership, Coach Jones' teams have won State Championships in 1953, 1969 and 1973, and he also holds the honor of being the only coach in the state to win basketball championships in A, AAA and AAAA Divisions; and

WHEREAS, it is known that Joe Jones' greatest asset lies in working with and motivating young people, and that he has been instrumental in a great number of boys being able to attend college on athletic scholarships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise Coach Joe Jones of Austin High School, Decatur, Alabama, for outstanding service to our youth and for his many achievements during his coaching career, and also heartily congratulate him for his 500th basketball victory.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Joe Jones and his wife, Dean Simmons Jones, and to their three lovely daughters.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 52

H.J.R. 76—Martin

HOUSE JOINT RESOLUTION

HONORING RUTLEDGE S. THOMAS FOR NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

WHEREAS, Rutledge S. Thomas, born in Birmingham, Alabama, on November 9, 1901, the son of Jacob P. and Urania Gardien Thomas, was educated in the Catholic schools and at Blessed Sacrament Academy in Birmingham, and is owner-manager of the Thomas Abstract Company, a pioneer concern founded by his father; and

WHEREAS, Mr. Thomas, who has served as Rotary Club President and secretary and has a perfect attendance record of forty-one years, is also a member of the Roman Catholic Church, the Knights of Columbus, and is a loyal Democrat who has voted a "straight" ticket all his life; and

WHEREAS, he was elected to the Decatur City Council in 1944, serving until 1958 at which time the commission form of government came into effect, and was elected again in 1968, serving until October, 1976; and

WHEREAS, during his twenty-two years as councilman, in which time the population of Decatur grew from approximately 17,000 in 1944 to approximately 50,000 in 1976, and the city's budget increased phenomenally from \$149,150 in 1944 to \$1,210,165 in 1958, then to \$2,717,184 in 1968, reaching \$7,566,722 in 1976; and

WHEREAS, tireless efforts on the part of Rutledge Thomas also have resulted in a number of meaningful projects being completed in Decatur, such vital additions as a new city hall, three new high schools, three new elementary schools, two new middle schools, five new fire stations, three new recreational facilities and Point Mallard, an area recreational project; and

WHEREAS, Mr. Thomas, a devoted family man as well as a fine and honorable leader, has dedicated his life to render-

ing trustworthy and impressive service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the innumerable accomplishments of Rutledge S. Thomas of Decatur, Alabama, and honor him for his twenty-two years of service in the capacity of Decatur City Councilman.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. and Mrs. Thomas and to their daughter, Mrs. Murial Cecilia Ellis that they may know of our high esteem.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 53

H.J.R. 77—Martin

HOUSE JOINT RESOLUTION

HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

WHEREAS, Miss Florence E. Adams, born in Eatonton (Putnam) Georgia, March 10, 1911, came to live in Decatur at a very young age and attended high school at Central High, Decatur, Alabama; and

WHEREAS, she began her work for the City of Decatur in 1936 on a temporary basis for a few weeks which turned into some forty years of dedicated service; and

WHEREAS, Miss Adams, of proven superior ability, became Assistant City Clerk in 1943 and was named City Clerk of the City of Decatur on October 1, 1965, in which capacity she remained until her retirement in October, 1976, her office handling revenue funds that grew from some \$2,000,000 to more than \$7,600,000 while she served her city as Clerk; and

WHEREAS, she was honored upon her retirement by the League of Municipalities for the many years she dedicated to furthering the work of that organization; she also was an active member of the Methodist Church, and a participant in many civic affairs, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend the outstanding services and abilities of Miss Florence E. Adams of Decatur, Alabama, and wish for her long years of happiness in her retirement, and in her travels and future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Adams as a token of our warm feelings.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 54

H.J.R. 78—Martin, Roberts, Cross, Drake

HOUSE JOINT RESOLUTION

HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

WHEREAS, Leon Nelson took office as a member of the Morgan County Commission on January 15, 1957, and his term of office expired on January 10, 1977; and

WHEREAS, during these twenty years, he served faithfully and efficiently as a member of the Commission and, jointly with the other members of the Commission, met the many problems confronting Morgan County; and

WHEREAS, during his terms, which saw a new courthouse constructed, several new bridges built, the roads in his district greatly improved, and county-wide water and garbage collection services provided, Morgan County also moved into the 20th Century, changing from a largely agricultural county into one of industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Leon Nelson is hereby commended for his integrity, his diligence, his kindness and courtesy, and for the excellent manner in which he performed all the duties of the office of County Commissioner of Morgan County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nelson that he may know of our high regard.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 55

H.J.R. 79—Roberts, Martin, Cross, Drake

HOUSE JOINT RESOLUTION

HONORING RUBERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

WHEREAS, Rubert W. Abercrombie took office as a member of Morgan County Commission on January 12, 1965, and his term of office expired on January 10, 1977; and

WHEREAS, during these twelve years, he served faithfully and efficiently as a member of the Commission and, jointly with the other members of the Commission, met the many problems confronting Morgan County; and

WHEREAS, during his terms, a new courthouse was constructed, many roads in his district were improved, county-wide water and garbage collection services were provided, and many advances in other areas were made; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Mr. Abercrombie for his integrity, his diligency, his kindness and courtesy, and the excellent manner in which he performed all the duties of the office of County Commissioner of Morgan County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rubert W. Abercrombie.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 56

H.J.R. 80—McCulley, Sonnier

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

WHEREAS, The McIntosh Academy football team enjoyed a commendable 1976 season, reaching the finals of the State Championship for private schools, losing regrettably to Partician Academy whom they beat 3-0 in regular season play; and

WHEREAS, the spirit of this most ably coached team under the leadership of Coach Wayne Blackwell reflects the loyal

support of their fellow students, faculty, parents and other fine citizens of their community; and

WHEREAS, all members of the team worked together as one with diligent and dedicated practice, to achieve this goal; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and commend McIntosh Academy for their state championship participation.

BE IT FURTHER RESOLVED, That copies of this resolution be forward to the principal and to the coach of McIntosh Academy.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 57

H.J.R. 81—McCulley

HOUSE JOINT RESOLUTION

COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.

WHEREAS, the McIntosh Union High School football team enjoyed a 1976 season so outstanding as to entitle them to participate in the State Championship Class 2A Play Offs; and

WHEREAS, this precision team, under the fine leadership of Coach Howard Daugherty, was enthusiastically cheered to their regular season record of 9 wins, 2 losses, by their fellow students, faculty members, families and other fans; and

WHEREAS, every game was played in the spirit and tradition of good sportsmanship and fair play, reflecting also many hours of hard work and dedication to the sport of football; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the achievements of the McIntosh Union High School football team and commend them for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Principal of McIntosh Union and to Coach Howard Daugherty.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 58

H.J.R. 88—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, February 24, they will adjourn to meet again on Tuesday, March 1, and when they adjourn on Tuesday, March 1, they will adjourn to meet again on Thursday, March 3, and when they adjourn on Thursday, March 3, they will adjourn to meet again on Tuesday, March 8, and when they meet on Tuesday, March 8, they will adjourn to meet again on Thursday, March 10, and when they adjourn on Thursday, March 10, they will adjourn to meet again on Tuesday, March 22.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 59

H.J.R. 90—Gafford

HOUSE JOINT RESOLUTION

WHEREAS, the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues was created by Act No. 1178 of the 1975 Regular Session of the Legislature, and

WHEREAS, the committee was directed to make its report on or before the 10th Legislative Day of the 1976 Regular Session of the Legislature, and

WHEREAS, a report was made during that period of time but was not reduced to writing, and

WHEREAS, the committee desires to make a further report in writing.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues is hereby ordered to deliver its report to the printers for distribution to the membership of the House and Senate no later than the 10th Legislative Day of the 1977 Regular Session.

BE IT FURTHER RESOLVED That the clerk of the House and/or the Secretary of the Senate pay for the printing with funds heretofore appropriated for the Legislature.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 60

H.J.R. 94—Plaster

HOUSE JOINT RESOLUTION

COMMENDING MILTON A. WENDLAND UPON BEING NAMED THE NATIONAL "COTTON FARMER OF THE YEAR."

WHEREAS, Milton A. "Buzz" Wendland, of the Autauga Farming Company in Autaugaville, has been named the National "Cotton Farmer of the Year" by Cotton Farming Magazine; and

WHEREAS, Mr. Wendland was a State Future Farmer in his native Kansas and a graduate of Kansas State University, and there earned, through scholastic achievement, election to the Alpha Zeta honor fraternity; and

WHEREAS, the former Kansan settled in Alabama in 1960 after a tour of duty at Maxwell Air Force Base, farming on his own, on 225 acres; and

WHEREAS, Mr. Wendland and his Autaugaville Farming Company "team" have helped bring a steadily increasing cotton acreage to a high level of efficiency, qualifying five times out of the last eleven years for the Autauga "Top Ten" Cotton Club; and

WHEREAS, Milton A. Wendland is active in civic and community affairs throughout the county; and

WHEREAS, he has taken the Autauga cotton story nationwide, through this award, and is only the second Alabamian to receive this most prestigious recognition; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we wholeheartedly, and of one accord, congratulate Mr. Milton A. "Buz" Wendland on this outstanding achievement.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Wendland as evidence of our esteem.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 61

H.J.R. 95—Plaster

HOUSE JOINT RESOLUTION

HONORING J. B. NEIGHBORS UPON HIS RETIREMENT.

WHEREAS, the Alabama Legislature has noted the retirement of J. B. Neighbors as Principal of Autaugaville High School, ending a distinguished career in education that spans 38 years; and

WHEREAS, Mr. Neighbors holds the distinction of having the longest continued record of service by any male teacher in Autauga County today and possibly in the history of the system; and

WHEREAS, he served as vocational agricultural teacher from 1938 to 1949, then as head teacher of the Autauga County Veterans Agricultural Training Program from 1949 to 1957, as Attendance Supervisor for the county from 1957 to 1962 and was named Principal at Autaugaville High in 1962; and

WHEREAS, Mr. Neighbors has served on innumerable county, district and state Education Committees; and

WHEREAS, he is also a member of the Board of Directors of the Central Alabama Electric Co-op and the Citizens Bank, a member of the Autaugaville Baptist Church, the Autaugaville Lions Club and the Autaugaville Quarterback Club; and

WHEREAS, J. B. Neighbors, a native of Coosa County, is a graduate of Goodwater High, attended Auburn University from 1934 to 1938, and did his post-graduate work from 1938 to 1942; and

WHEREAS, he begins his retirement effective February 1, 1977; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do heartily congratulate Mr. Neighbors and commend him for his long, faithful and dedicated service in the field of education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Neighbors in appreciation of his distinguished contribution to the citizens of Autauga County.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 62

H.J.R. 96—Plaster

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF AUBREY S. BOONE.

WHEREAS, the legislature of Alabama regretfully has

learned of the death of Aubrey S. Boone of Prattville, Alabama, who was born and reared in the White City Community of Autauga County, married the former Florene Qualls of Troy in 1941, and shortly thereafter began farming in the Prattville Community, continuing to do so until his death; and

WHEREAS, Aubrey Boone was an active and involved member of the First Baptist Church in Prattville, where he was a member of the Bon Ami Sunday School Class which he served as President; and

WHEREAS, he was also active in innumerable farm organizations including membership on the ASCS County Community for eighteen years, and was chairman for fifteen years, with the distinction of having served the longest tenure ever in this position; and

WHEREAS, Mr. Boone further served his fellow farmers and citizens of his community as president of the Autauga County Farm Bureau and director for twenty years, and as secretary-treasurer of the Autauga County Cattlemen's Association; and

WHEREAS, this body recognizes that Aubrey Boone was a man of ability and deeds who gave to his community, county and state a lifetime of devoted service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Aubrey S. Boone and extend to his wife and family our most sincere sympathy in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Florene Qualls Boone, Prattville, Alabama.

Approved February 24, 1977.

Time: 5:30 P.M.

Act No. 63

H.J.R. 21—McCluskey

HOUSE JOINT RESOLUTION

WHEREAS, Judge G. Kyser Leonard, the distinguished Probate Judge of Talladega County, and former member of the legislature, retired on December 15, 1976; and

WHEREAS, Judge Leonard has served the people of his community and the State of Alabama with uncommon dedica-

tion and a recital of his many contributions during his thirty-five years of public service to them and the government of this state are so numerous to list them all is impossible; and

WHEREAS, his entry into state service began in 1938 when he was appointed to fill the unexpired term of Coroner Max Hawkins; and

WHEREAS, Judge Leonard was elected to office of Coroner in 1941 and re-elected in 1945 and during his nine years in this capacity he conscientiously carried out his duties; and

WHEREAS, Judge Leonard was elected to the House of Representatives in 1947 and again in 1951 where he served with distinction; and

WHEREAS, the great admiration, trust and confidence of the people Judge Leonard served were manifested when his constituents elected him to the State Senate in 1956 where he zealously served for three terms: 1956 to 1960; 1960 to 1964 and 1967 to 1971; and

WHEREAS, Judge Leonard worked tirelessly during his twenty years as a legislator for the betterment of all Alabamians and served with diligence and patience on numerous legislative committees, including: Chairman of County and Boundaries, Constitution, Constitutional Revision and Amendments, Insurance, Mining and Manufacturing, Agriculture, Temperance, Forestry and Conservation, and Aviation and Traffic; and

WHEREAS, this versatile gentleman of many talents also was a member of the Rivers and Harbors Board and from 1946 to 1952 he was a guiding hand on the State Board of Embalmers; and

WHEREAS, in 1971 the former coroner and legislator was elected Probate Judge of Talladega County where he has demonstrated his wise counsel, deep insight and devotion to duty; and

WHEREAS, through the leadership of Judge Leonard a new judicial building was erected when Talladegians justly boast as being one of the finest judicial buildings in this state; and

WHEREAS, Judge G. Kyser Leonard has exhibited throughout his life those admirable attributes of friendliness, devotion to duty and concern for his fellowman; and

WHEREAS, this body is deeply appreciative of the outstanding contributions Judge G. Kyser Leonard has made for the progress and welfare of his community and state and we

wish to honor him on the occasion of his well-earned retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we thank him for his inspirational public service to our beloved State of Alabama and extend our congratulations and best wishes to Judge G. Kyser Leonard for a long and happy retirement.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Judge G. Kyser Leonard and that an enrolled copy be sent to the Talladega County governing body to be placed on the wall of the new judicial building in Talladega to honor Judge Leonard.

Approved February 14, 1977.

Time: 5:30 P. M.

Act No. 64

H. 252—Jackson (F), Smith (J), Holley

AN ACT

To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542 entitled, "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of this Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 34,000 nor more than 34,800 according to the 1970 or any subsequent federal decennial census each member of the governing body of such county shall be allowed an additional expense allowance of two hundred dollars (\$200) per month. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law. Such expense allowance shall be payable out of any available funds in the county treasury."

Section 2. The provisions of this Act shall be retroactive to August 18, 1976.

Approved March 3, 1977.

Time: 3:15 P.M.

Act No. 65

S. 17—Owen

AN ACT

To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located in Jasper, Walker County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Walker County Junior College and approved by the Governor.

Section 2. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of One Million Two Hundred Sixty Three Thousand Dollars (\$1,263,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Tuskegee Institute, located in Tuskegee, Macon County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of the Tuskegee Institute and approved by the Governor.

Section 3. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Ninety-Two Thousand Dollars (\$92,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Lyman Ward Military Academy, located in Camp Hill, Tallapoosa County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Lyman Ward Military Academy and approved by the Governor.

Section 4. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Two Hundred Thousand Dollars (\$200,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Talladega College, located in Talladega, Talladega County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions

signed by the Chief executive officer of Talladega College and approved by the Governor.

Section 5. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Two Hundred Fifteen Thousand Dollars (\$215,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Marion Institute, located in Marion, Perry County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Marion Institute and approved by the Governor.

Section 6. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall be effective as of October 1, 1976.

Approved March 3, 1977.

Time: 3:15 P.M.

Act No. 66

H. 372—Merrill, Shelton, Holmes (D)

AN ACT

Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p.1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p.1151), as amended, is hereby further amended so as to read as follows:

"Section 1. (a) This act shall apply to all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census.

"(b) Declaration of Policy. The maintenance of the public health is of vital importance to the general welfare of the state and its people. For the protection of the public health and general welfare, it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this act applies. This can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday, which is generally recognized and observed as a day of rest. Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, has made unlawful the general performance of labor and other activities and *has* provided penalties for the violation thereof, subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. For the purposes of this Act and in addition to the enumerated exceptions in Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, there is also excepted from the provisions of this act, due to public necessity and policy, the operation of a food store in which not more than five (5) persons work. Any employer of such food store is expressly prohibited from hiring any employee, or using as the sole grounds for refusing to employ any person, who, for religious or other reasons of conscience, refuses to work on Sunday. Habitual violations of the Act are deemed and declared to be a legal nuisance in counties to which this Act applies. The habitual violation of this statute by some merchants and shopkeepers causes them to unfairly compete with the law, and the criminal penalties for violation are inadequate a means to prevent the same, and there is no adequate remedy at law in counties to which this Act applies."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 67

S.J.R. 251—Mitchell, Adams, Baker, Bank,
Clemon, Edwards, Ellis, Fine,
Gilmore, Goodwin, Jones, King,
Little, Littleton, McDonald (A),

McDonald (S), McMillan, Miller,
Mims, Noonan, Owen, Pearson,
Peden, Perloff, Perry, Powell,
Roberts, St. John, Shelby,
Stewart, Teague, Vacca, Waldrop,
Wilson

SENATE JOINT RESOLUTION

COMMENDING JOHN A. GARRETT FOR DISTING- UISHED AND SUPERIOR SERVICE

WHEREAS, John A. Garrett, State Director of the Alabama Farmers Home Administration is a native Alabamian, born in Bay Minette, who was reared on a farm and educated at Baldwin County High School and Auburn University where he received his B.S. degree; and

WHEREAS, for the past 33 years, he has lived on and operated a 577 acre livestock farm at Snowdown, Alabama, during which time he worked also with Farm Bureau and the Montgomery Production Credit Association, then operated a building construction business prior to assuming his present position; and

WHEREAS, since becoming State Director for Alabama's FHA in 1969, Mr. Garrett has served with distinction, receiving more than a dozen awards and honors from numerous organizations and notables such as Future Farmers of America, the Alabama Society for Crippled Children and Adults, the Enterprise Home Builders Association, Kingsberry Homes, the Central Alabama Regional Planning Commission, Clarke County Citizens, FHA and Secretary Earl Butz; and

WHEREAS, his deep involvement extends further to the religious, civic and charitable areas of his community, serving as Sunday School teacher at his church in Snowdown, Chairman of the Central Alabama Goodwill Industries, a Rotarian for 24 years, past vice-president of the Montgomery Area United Appeal, and others so numerous as to warrant the Honor Award from ACTION, one of only six such awards out of more than 800 federally employed candidates in the U.S., given in recognition of extraordinary voluntary community service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize, praise and honor John A. Garrett for invaluable service as State Director of the Alabama FHA, and as a responsible leader of his community, state and nation.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be sent to Mr. Garrett and his wife, Katherine Stowers Garrett, and to their daughters, Mary John Cole and Kitty Walter Dawson, that they may know of our esteem.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 68

S.J.R. 252—St. John

SENATE JOINT RESOLUTION

CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

WHEREAS the "Watergate" investigations and the more recent congressional committee hearings on the activities of the FBI and CIA have revealed a certain amount of bureaucratic disregard for an individual's constitutionally guaranteed right to privacy; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That at some time during each regular session of the legislature, the Chairman of the Senate Judiciary Committee shall call a joint meeting of the judiciary committees of the Senate and the House of Representatives for the purpose of hearing reports presented by the full membership of the privacy and security committee of the Alabama Criminal Justice Information Center Commission, created pursuant to Section 5 of Act No. 872, S. 711, 1975 Regular Session of the Legislature, in order to ascertain that the privacy and security of the citizens of this state are being adequately safeguarded.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 69

S.J.R. 254—Pearson, Goodwin

SENATE JOINT RESOLUTION

COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER

WHEREAS, Willie Mays was born in Westfield, Alabama, and educated in Fairfield, Alabama; and

WHEREAS, Willie Mays began his professional career with the Birmingham Black Barons and later with the New York Giants, ending his professional career with the New York Mets; and

WHEREAS, Willie Mays was a consistent league leader in home runs, exhibiting great athletic skill and fan popularity; and

WHEREAS, Willie Mays is being inducted into the Alabama Sports Hall of Fame February 25, 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Willie Mays for his outstanding baseball career and his being inducted into the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Willie Mays.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 70

S.J.R. 256—Fine

SENATE JOINT RESOLUTION

CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD

WHEREAS, The Russellville High School "Marching 100" took part in the recent Mardi Gras festivities in New Orleans; and

WHEREAS, This fine group of young people, due to their hard work and long hours of practice and under the inspired leadership of their director, Curtis F. Ikard, won the coveted "Greatest Band in Dixie" award for their superior performance in New Orleans; and

WHEREAS, This outstanding band has brought great honor not only to itself but also to the City of Russellville and the State of Alabama; and

WHEREAS, The City of Russellville and the State of Alabama are grateful to the Russellville "Marching 100" for bringing this great honor to them; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That

we congratulate the Russellville High School "Marching 100" on winning the Mardi Gras "Greatest Band in Dixie" trophy, which they so richly deserve.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Curtis F. Ikard, Director, and the Russellville High School.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 71

H. 114—Baker, Whatley

AN ACT

To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Be It Enacted by the Legislature of Alabama:

Article I. Adoption of Council-Manager Form of Government—Election and Term of Council.

1.01 Cities to which Act applies.—Any city in the State of Alabama, which has a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census, may adopt the council-manager form of government by proceeding in the manner hereafter in this Act provided.

1.02. Petition for election.—The filing of a petition signed by ten percent (10%) or more of the number of qualified voters who voted in the last city general election held in such city, asking that the question of the adoption of the council-manager

form of government for such city be submitted to the qualified voters thereof, with the judge of probate of the county in which such city is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition purporting to be signed by at least ten percent (10%) of the number of qualified voters who voted in the last city general election held in such city shall be presented to such judge of probate, he shall examine such petition and determine whether or not the same is signed by at least ten percent (10%) of the number of qualified voters who voted in the last city general election held in such city, and if such petition is signed by the requisite number of voters to require such an election, he shall within fifteen days from the receipt of such petition certify such fact to the mayor or other chief executive officer of the city for which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final.

1.03. Call of election by mayor.—The mayor or other chief executive officer of such city shall immediately upon receipt of such certificate from the probate judge, by proclamation, submit the question of the adoption of the council-manager form of government for such city, under this Act, at a special election to be held at a time specified in such proclamation, not less than forty days and not more than sixty days after the receipt of said certificate from said probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election. Should the election not be called by proclamation within 10 days after receipt of his certificate, the judge of probate shall call such election by order at a time specified therein but not less than 40 days and not more than 60 days after the receipt by said mayor or other chief executive officer of the said certificate of the probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election.

1.04. Second election not called within four years.—If the council-manager form of government is not adopted at the special election so called, the question of adopting such form of government shall not be resubmitted to the voters of such city for adoption within four years thereafter, and then the question of adopting said form of government may be resubmitted in the manner above provided.

1.05. Question submitted; form of ballot.—At such election the question to be submitted shall be printed in plain prominent type on separate ballots and shall read as follows:

"Shall the council-manager form of government, as provided by the City Manager Act of 1977 be adopted for the City of

_____?

"Yes _____."

"No _____."

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. No other question shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above question may at the discretion of the election commission of the city or other body having charge of the conduct of municipal elections in such city, be submitted as a separate question on voting machines so used.

1.06. Conduct, canvassing and declaration of result of election.—The election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes shall be "yes" or in favor of such question, the provisions of this article shall thereby be adopted for such city, and the mayor shall within 5 days of the election transmit to the Governor, to the secretary of state, and to the judge of probate of the county in which the city is located, each, a certificate of adoption stating that such question was adopted by such city.

1.07. Election of first council; term of office.—Within five days of the date of his receipt of the certificate of adoption the probate judge with whom the certificate was filed shall call an election to be held on the first Tuesday in September after the first full month of July following the adoption of this Act. The expenses of this election shall be paid by the city. Before calling such election the probate judge shall cause the city to be divided into three (3) districts containing as nearly equal number of people as possible. Candidates shall qualify in the manner prescribed in Section 3.02 hereof and shall have the qualifications and eligibility set forth in Sections 3.03 and 3.04 hereof. Each candidate shall announce if he is to become a candidate for Mayor, or Councilman-at-large, or if he desires to become a candidate for one of three district posts, either District Post 1, District Post 2 or District Post 3. A candidate for a district post shall reside in his district. Each voter in the election may cast one vote for a candidate for Mayor and one vote for Councilman-at-Large and one vote for a candidate from the district in which he resides. Any candidate receiving a majority of the total votes cast for candidates for Mayor, Councilman-at-Large, District Post 1, District Post 2 and District Post 3 shall be elected as the councilman from his post. In the

event no candidate received such a majority in the said election, there shall be a run-off election to be held two weeks after the first election. In the run-off election only those two candidates from each post who received the largest vote in the first election shall be eligible in the run-off election, and only these two shall have their names placed on the ballot for the run-off election. Any candidate receiving a majority of the total votes cast in the run-off election shall be elected councilman from his post. The councilmen so elected shall take office on the first Monday in October following the election. Each councilman shall hold office for three years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

1.08. The Council.—The councilmen provided for in this article shall be known collectively as the Council of the City of _____ (Name of said city to be inserted) and shall have the powers and duties hereinafter provided. The Council first elected shall qualify and take office in the manner hereinafter prescribed on the first Monday in October following the date when the election of all councilmen is completed, and thereupon such city shall be and become organized under the council-manager form of government provided under this Act, and shall thereafter be governed by the provisions of this Act.

Article II. Legal Status: Form of Government: Powers.

2.01. Legal Status.—Any municipal corporation which adopts the council-manager form of government shall continue its existence as a body corporate without change in the name of the municipal corporation. The word "City" as hereinafter used shall mean and refer to any municipal corporation which has adopted the council-manager form of government. The City shall continue as a municipal corporation, within the corporate limits as then established, and as thereafter fixed in the manner prescribed by law, subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter be granted to it.

2.02. Form of Government.—The municipal government of any such city proceeding under this Act shall be known as the "council-manager form of government." Pursuant to the provisions and limitations of this Act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the City shall be vested in the council elected as herein provided and hereinafter referred to as "the council." All powers of the City shall be exercised in the manner prescribed by this Act, or if the manner be not prescribed, then in

such manner as may be prescribed by law or by ordinance.

2.03. Powers of City.—The City shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require; and, except as prohibited by the constitution and laws of this state or restricted by this Act, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Act shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Act specifically to enumerate.

Article III. The Council.

3.01. Number, election, term.—The council shall have five members with two elected at-large by all of the voters of the city and three elected from districts by voters within each district, the council elected in the manner prescribed in Section 1.07 of this Act. An election of councilmen shall be held on the first Tuesday in September every three years. Each councilman shall hold office for three years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office. Each of the three district councilmen shall reside within the limits of his district during the term of his office and if any district councilman shall remove from within the limits of his district for 60 consecutive days his office shall become vacant.

3.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least thirty days before the day set for such election and shall be in substantially the following form:

State of Alabama

County of _____

I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, that I desire to become a candidate for the office of councilman, Post _____, in said City at the election for said office to be held on the _____ day of September next and I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election.

Signature of candidate

Typed name of candidate

Subscribed and sworn to before me by said _____
on this _____ day of _____, 19____.

Filed in my office on this _____ day of _____,
19____.

Judge of Probate

Said statement shall be accompanied by a petition signed by not less than, nor more than ten electors, who shall be designated as said candidate's sponsors. In the case of a candidate for a district post, sponsors may but need not reside within the district in which the candidate resides. No elector shall sign more than one such petition, and should an elector do so, he shall be guilty of a misdemeanor. With each signature shall be stated the place of address of each sponsor. Nominating petitions shall be in substantially the following form:

"We, the undersigned ten electors of the City of _____, hereby nominate and sponsor _____, whose residence is _____, as a candidate for the office of councilman, Post _____, in the election to be held on the _____ day of September, 19____; and we individually certify that our names have appeared on the rolls of registered voters of this City within the last year, that we are qualified to vote for a candidate for the council and that we have not signed any other nominating petition for that office. We further state that we know said _____ to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the _____ day of _____, 19____."

3.02. (a). Campaign expenses.—Each candidate shall file with the probate judge, within 10 days after the election in which he has been a candidate, an accounting of all campaign contributions and expenditures exceeding \$10 and shall comply

with provisions in existing law which require the filing of campaign contributions and expenses.

3.03. **Ballot.**—At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body having charge of the conduct of municipal elections in said City, and shall contain the names of all candidates for each Post directly underneath the words “For members of the council from Post ——.” No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body having charge of the conduct of municipal elections in said city, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election.

3.04. **Eligibility.**—Councilmen shall be qualified electors of the city, and shall hold no other public office except that of notary public or member of the national guard or naval or military reserve. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

3.05. **Compensation.**—The mayor shall receive as compensation for his services the sum of Three Hundred Dollars per month, provided that the total does not exceed Three Thousand Six Hundred Dollars per annum. Each councilman shall receive as compensation for his services the sum of Two Hundred Fifty Dollars per month, provided that the total does not exceed Three Thousand Dollars per annum. The mayor and councilmen may be reimbursed for actual expenses incurred in and about the performance of their duties, only if such expenses are approved by the council at a regular meeting. No salary increase may be made effective except at the beginning of a new term.

3.06. **Presiding officer; mayor.**—The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The council shall elect from its membership at the first regular meeting a mayor pro-tem who shall act as mayor during the absence or disability of the mayor. The mayor and mayor pro-tem when so elected shall hold their respective offices until the next council takes office; provided that if the mayor or mayor pro-tem or both shall cease to be a member of the council his or their offices as such mayor or mayor pro-tem shall become vacant. If the mayor's post is

vacated with less than 12 months remaining in the term, the mayor pro-tem will fill the unexpired term of the mayor. If the mayor's post is vacated with 12 months or more remaining in the term, a special election will be called, in accordance with provisions for special elections. The probate judge shall call said special election within 45 days and no more than 60 days after certification of the vacancy by the council.

3.07. Powers.—All powers of the City, including all powers vested in it by this Act, by the laws, general and local, of the state, and by Title 62 of the Code of Alabama of 1940, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (a) Appoint and remove the city manager.
- (b) Establish other administrative departments and distribute the work of divisions.
- (c) Adopt the budget of the city.
- (d) Authorize the issuance of bonds or warrants.
- (e) Inquire into the conduct of any office, board, department or agency of the City and make investigations as to municipal affairs.
- (f) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption by the city of the council-manager form of government set up by this act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the city at the time of adoption by the city of the council-manager form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the city of said council-manager form of government the chief executive officer of the city is designated to act in any capacity ex-officio, the mayor shall act.

3.08. Appointment of city manager.—The council by a majority vote of the whole qualified membership of the council shall appoint a city manager, who shall be an officer of the City and shall have the powers and perform the duties in this Act provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term; nor shall he receive

any appointment as city manager under the provisions of Section 4.03 of this Act during the term for which he shall have been elected. The civil service act, if any, applicable to the City shall not apply to the approval or the removal of the city manager.

A temporary, acting city manager may be designated by the council to serve for not more than four (4) months in these events but in only these events:

(a) When the first council shall take office after adoption of this Act by the City.

(b) Following the removal of any permanent city manager.

Such temporary acting city manager shall perform the duties and assume the obligations of the office of city manager but he may be removed summarily by the council at any time. If the council shall permit the temporary acting city manager to serve for longer than four (4) months he shall become the permanent city manager and shall be entitled to all benefits granted the permanent city manager.

3.09. Removal of city manager.—The council shall appoint the city manager for an indefinite term, but the council may remove him at any time by a majority vote of the whole qualified membership of the council.

3.10. Council not to interfere in appointments or removals.—Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

3.11. Vacancies in Council other than in the position of mayor.—Vacancies in the council shall be filled by the council at any regular meeting within four weeks after the vacancy occurs. In event of a deadlock and for the purpose of breaking the deadlock, the Mayor shall cast an additional vote. For the purposes of this section a deadlock shall be deemed to exist when, at the end of the third regular meeting of the Council following the creation of a vacancy the council shall not have selected a person to fill the vacancy. The person selected to fill a vacancy shall possess all of the qualifications set out in this Act including residence in the district he represents, and he shall hold office until the next election of councilman.

3.12. Creation of new departments or offices; change of duties.—The council by ordinance may create, change, and abolish offices, departments, boards or agencies, other than the offices, departments, boards or agencies established by this Act. The council by ordinance may assign additional functions or duties to offices, departments, boards or agencies established by this Act, but may not discontinue or assign to any other office, department, board or agency, any function or duty assigned by this Act to a particular office, department, board or agency.

3.13. City Clerk.—If the city clerk of any City which adopts the council-manager form of government holds office subject to any civil service or merit system, such clerk shall continue to be the city clerk under the council-manager form of government of such City, and his successor shall be selected and hold office subject to the provisions of such civil service or merit system. If the city clerk of any city which adopts the council-manager form of government does not hold office subject to any civil service or merit system, the council shall elect the city clerk. The city clerk shall give notice of meetings of the council, shall keep the journal of its proceedings, which shall be authenticated by his signature. He shall record in full in said journal all ordinances and resolutions and the minutes of all the meetings of the council. He shall also record in said journal any written certificates or declarations received by the council under the provisions of Section 5.22 and 5.24 hereof. He shall perform such other duties as shall be required by this Act or by ordinance, and such duties as are imposed by general law of Alabama upon city clerks and as to which other provisions are not made in this Act. He shall keep the journal open for public inspection at all reasonable times.

3.14. Induction of council into office; meetings of council.—The first meeting of each newly elected council for induction into office shall be held at ten o'clock in the morning on the first Monday in October next following its election, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings of the council shall be open to the public.

3.15. Council to be judge of qualifications of its members.—The council shall be the judge of the election and qualifications of its members and for the purpose of investigating such election and qualifications shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

3.16. Rules of procedure.—The council shall determine its own rules and order of business.

3.17. Meetings, passage of ordinances, etc.—The council shall hold regular public meetings as may be prescribed by its own rules, provided that a regular hour and day shall be fixed by the order of said council, and publicly announced. It may hold such adjourned, called, special or other meetings as the business of the City may require. The mayor when present and in his absence the mayor pro-tem shall preside at all meetings of said council. A majority of the whole qualified membership of the council shall constitute a quorum for the transaction of any and every power conferred upon said council. The affirmative vote of a majority of the quorum shall be necessary and sufficient for the passage of any resolution, rule or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this Act or which may hereafter be conferred upon it. No resolution or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature shall be enacted except at a regular public meeting of said council or an adjournment thereof; provided that a resolution or ordinance of any emergency nature may be passed by the council at any meeting. A resolution or ordinance shall be deemed to be of any emergency nature if it shall be declared so to be by an affirmative vote of not less than four-fifths of the whole qualified membership of the council. Every ordinance introduced shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded. A record of the proceedings of every meeting of the council shall be taken and prepared by the city clerk, and the record of the proceedings of the meeting shall, when approved by the council, be signed by the mayor and the city clerk and entered in the journal. The journal shall be kept available for inspection by all persons at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except by unanimous consent of all members of the council present and such unanimous consent shall be shown by the aye and nay votes entered upon the minutes of said meeting; provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. Publication of ordinances shall be had as provided in Alabama Code of 1940, Title 37, Section 462, as amended.

3.18. Granting of franchises.—No resolution or ordinance, granting to any person, firm or corporation any franchise, lease

or right to use the streets, public highways, thoroughfares, or public property of the City, either in, under, upon, along, through, or over same shall take effect and be enforced until thirty days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in some newspaper published in said City, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution or ordinance or during the time intervening between its final passage, and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said City may, by written petition or petitions addressed to said council object to such grant, and if during such period such written petition or petitions signed by at least five percent (5%) of the legally qualified voters of the City shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the City or other body having charge of the conduct of municipal elections of the City at which election the legally qualified voters of said City shall vote for or against the proposed grant. In the call for said election, the said resolution or ordinance making such grant shall be published one time at length and in full at the expense of the City in a newspaper published in said City. If a majority of the votes cast at such election shall be against the proposed grant, then and in those events, said resolution or ordinance shall not become effective nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall be disapproved, then it shall be deemed null and void. But if as a result of said election the proposed grant shall be approved, the council shall adopt a resolution stating the fact of such approval, and such resolution shall, without further proceedings or advertisement, operate as the adoption of the proposed grant. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through, or over the streets, public highways, thoroughfares or public property of any such City, shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by a resolution or ordinance duly passed by the council at some regular or adjourned meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of

this section shall not apply to the grant of side track or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand, three hundred twenty feet, measured along said track or switch.

3.19. Codification authorized.—The council may provide for the revision and codification of its ordinances and permanent resolutions, or for the adoption of a code or codes.

3.20. Examination of books and publication of accounts.—The council shall each month make available in the office of the city manager a detailed statement of all receipts and expenses of the City, and a summary of its proceedings during the preceding month. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the City to be made by a qualified public accountant, and shall cause the result of such examination to be placed in the office of the city clerk and the office of the city manager, to be open for inspection by all persons. Such examination shall not be made more than two years in succession by the same accountant or firm.

Article IV. The City Manager.

4.01. The city manager; qualifications.—The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he may but need not be a resident of the City or state, but during his tenure of office he shall reside within the City.

4.02. The city manager; powers and duties.—The city manager shall be the head of the administrative branch of the city government. He shall be responsible to the council for the proper administrative of all affairs of the City and, subject to the provisions of any civil service or merit system law applicable to such City and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all laws and ordinances.

(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Act and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office; provided that he shall not appoint or remove officers and employees of:

- (a) any library board of the City;
- (b) any board of the City having control over any park, recreation facility, fair or exhibit;
- (c) any municipally owned public utility and any municipally owned service enterprise, including inter alia electric, gas and water boards, agencies, etc.;
- (d) any school board of the City;
- (e) any hospital board of the City;
- (f) any airport board of the City;
- (g) any housing authority;
- (h) any city plumbers or electricians boards;
- (i) any planning board of the City;
- (j) any zoning board of the City;

(3) Exercise administrative supervision and control over all officers, employees, offices, departments, boards and agencies created by this Act or hereafter created by the council, except those enumerated in sub-divisions (a) to (j) inclusive of subsection (2) of this section, and except those otherwise given independent status.

(4) Keep the council fully advised as to the financial conditions and needs of the City; to prepared and submit the budget proposal annually to the council and be responsible for its administration after its adoption; to prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the City for such year.

(5) Recommend to the council such actions as he may deem desirable.

(6) Prepare and submit to the council such reports as may be required of him.

(7) Perform such other duties as may be prescribed by this Act or required of him by ordinance or by resolution of the council not inconsistent with this Act.

4.03. Absence of city manager.—To perform his duties during his temporary absence or temporary disability, the manager may designate by letter filed with the city clerk a qualified administrative officer of the City. In the event of failure of the manager to make such designation, the council may by resolution appoint a qualified administrative officer of the City to perform the duties of the manager until he shall return or his disability shall cease.

4.04. Administrative department.—There shall be a depart-

ment of finance, and such other departments as may be established by ordinance upon the recommendation of the manager.

4.05. Directors of departments.—At the head of each department there shall be a director, who shall be an officer of the City and shall have supervision and control of the department subject to supervision and control of the city manager. Two or more departments may be headed by the same individual. The city manager may head one or more departments. Directors of departments may also serve as chiefs of divisions.

4.06. Departmental divisions.—The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the city manager among specific divisions thereof, the city manager may establish temporary divisions.

Article V. Budget.

5.01. Fiscal year.—The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Act, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

5.02. Preparation and submission of budget proposal.—The city manager, at least thirty-five days prior to the beginning of each budget year, shall submit to the council a budget proposal and an explanatory budget message in the form and with the contents provided by Sections 5.12 to 5.15, inclusive, of this Act. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain from the head of each office, department, board or agency estimates of revenue and expenditure of that office, department, board or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five next succeeding years. In preparing the budget, the city manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

5.03. Budget proposal a public record.—The budget proposal and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager shall cause sufficient copies of the

budget proposal and budget message to be prepared for distribution to interested persons.

5.04. Publication of notice of public hearing.—At the meeting of the council at which the budget proposal and budget message are submitted, the council shall determine the date and time of the public hearing on the budget proposal, and shall cause to be published a notice of the place and date, not less than seven days after the date of publication nor later than fifteen days prior to the beginning of the next budget year, at which the council will hold a public hearing. Publication shall be made at least once in a newspaper published and of general circulation in the city.

5.05 Public hearing on budge proposal.—At 7:00 p.m. on the date advertised, or at any night to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget proposal, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

5.06. Further consideration of budget proposal.—After the conclusion of such public hearing the council may insert new items or may increase or decrease the items of the budget proposal, except items in proposed expenditures, fixed by law or prescribed by sub-sections (a), (b), (c), (d), (e), (f), (g), (h) and (i) of Section 5.25. The council may not vary the titles, descriptions or conditions of administration specified in the budget proposal. Before inserting any new item or increasing or decreasing any item of appropriation, it must cause to be published, in the manner provided in Section 5.04 of this Act, a notice setting forth the nature and amount of the proposed increases or decreases and fixing a place and date, not less than five days after publication, at which the council will hold a public hearing thereon. The public hearing shall be held at 7:00 p.m. on the date specified in the notice, or at any night to which such public hearing shall from time to time be adjourned.

5.07. Adoption of budget.—After the public hearing prescribed in Section 5.05 hereof, the council may at its next or any subsequent regular public meeting or any adjournment thereof adopt as the budget, the budget proposal without amendment or change. In this event it shall not be necessary that the council have further consideration of the ordinance as prescribed in Section 5.06 hereof. If such further consideration is made necessary by the insertion of any new item or by the increase or decrease of any item, then the council, after the public hearing prescribed in Section 5.06 hereof, may at its next or any subsequent regular meeting or any adjournment thereof, adopt the budget. The council may insert in this budget the additional

item or items or make the increase or decrease to the amount in each case indicated by the published notice, or to a lesser amount, but where the total proposed expenditures shall be increased, the total anticipated revenue shall also be increased to an amount at least revenue shall also be increased to an amount at least equal to the total proposed expenditures.

5.08. Vote required for adoption.—The budget shall be adopted by the favorable votes of at least a majority of the whole qualified membership of the council.

5.09. Date of final adoption; failure to adopt.—The budget shall be finally adopted not later than the first day of October of each year. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this Act.

5.10. Effective date of budget; certification; copies made available.—Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the city manager and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments, boards and agencies and for the use of interested persons.

5.11. Budget establishes appropriations.—From the effective date of the budget, the several amounts stated therein as proposed expenditures shall become appropriated to the several objects and purposes therein named.

5.12. Budget message; current operations.—The budget message submitted by the city manager to the council shall be explanatory of the budget, of the budget proposal and shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for proposed important changes from the previous year in cost and revenue items and shall point up and explain any proposed important changes in policy.

5.13. Budget message; capital improvements.—As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget proposal, the city manager

shall include a statement of pending capital projects and proposed new capital projects, relating each project to respective amounts proposed to be raised therefor by appropriations in the budget proposal and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds or obligations during the budget year.

5.14. Budget message; capital program.—The city manager shall also include in the budget message, or attach thereto, a capital program of proposed capital projects for the five fiscal years next succeeding the budget year, prepared by the planning board, if any, together with his comments thereon and any estimates of costs prepared by any office, department, board or agency. For the use of the planning board, if any, in preparing such capital program, copies of the departmental estimates of capital projects, filed with the city manager pursuant to Section 5.02 of this article, shall be filed with the board.

5.15. Budget message; supporting schedules.—Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the city manager shall believe useful to the council.

5.16. Budget.—The budget and budget proposal shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (a) a general summary;
- (b) detailed estimates of all anticipated revenues;
- (c) detailed estimate of all proposed expenditures.

The total of such anticipated revenues shall equal the total of such proposed expenditures.

5.17. Anticipated revenues.—In the budget and budget proposal anticipated revenues shall be classified as “surplus,” “miscellaneous revenues” and “amount to be raised by property tax”; miscellaneous revenues shall be sub-classified by sources and shall be estimated as prescribed in this article.

5.18. Anticipated revenues compared with other years.—In the budget and budget proposal in parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually received during the last completed budget year, the amount of each such item in the budget of the current fiscal year and the amount actually received to the time of preparing the budget proposal plus receipts for the remainder of the current fiscal year estimated as accurately as may be.

5.19. Surplus.—Surplus shall include:

(a) revenue receipts made available by the lapsing of unencumbered appropriation balances at the beginning of the budget year;

(b) receipts from unanticipated miscellaneous revenues of the preceding fiscal year;

(c) receipts from anticipated miscellaneous revenues of the preceding fiscal year in excess of the estimates in the budget;

(d) receipts during the previous fiscal year from taxes or liens against which a complete reserve has been established.

5.20. Miscellaneous revenues.—Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines and forfeitures, pension or retirement system payments, special assessments, borrowed monies and any other special or non-recurring sources. Nothing in this section shall, however, be construed as permitting or requiring the diversion of ear-marked, pledged or dedicated funds to purposes other than those for which they are earmarked, pledged or dedicated.

5.21. Miscellaneous revenues; anticipated surplus from municipal utility or other public service enterprise.—The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned, or operated, by the city, shall be stated in a separate section of the budget (each bearing the name of the utility); and as to each such utility, any anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget and the budget proposal.

5.22. Miscellaneous revenues; measure of estimates.—No miscellaneous revenue from any source shall be included as an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the next preceding fiscal year, and that actually realized in the first ten months of the current fiscal year plus that to be received in the remaining two months of the year estimated as accurately as may be, unless the city manager shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and shall certify such determination in writing to the council.

5.23. Miscellaneous revenues; receipts from special assess-

ments.—In the budget and budget proposal revenues from the collection of special assessments on property specially benefited shall not be stated in an amount which is in excess of the amount of the receipts so derived which it is estimated will be held in cash on the first day of the budget year.

5.24. Miscellaneous revenues; from new sources.—No revenue from a new source not stated in the budget for the current budget year shall be included in the budget unless the city manager shall determine that the facts clearly warrant the expectation that such revenue will be actually realized in cash during the budget year in the amount stated and shall certify such determination in writing to the council. If the new revenue is to be received from the state, the anticipated amount shall not exceed the amount which the proper officer of the state shall declare in writing to be the amount which may reasonably be anticipated in the budget year.

5.25. Proposed expenditures.—In the budget and budget proposal the proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and in the absence of such provision, by regulations established by ordinance. Separate provision shall be included in the budget and budget proposal for at least:

(a) interest, amortization and redemption charges on the public debt for which the faith and credit of the City is pledged;

(b) other statutory expenditures;

(c) the payment of all judgments;

(d) the amount by which the total receipts of miscellaneous revenues in the last completed fiscal year failed to equal the total of the budget estimated of receipts from miscellaneous revenues in that year.

(e) an amount equal to the aggregate of all taxes levied for the third fiscal year prior to the budget year which are delinquent and outstanding on the sixtieth day prior to the beginning of the budget year, except to the extent the city may have made provision therefor by reserving the full amount of said delinquent taxes;

(f) an amount equal to the aggregate of all cancellation, remissions, abatements and refunds of taxes, that have been made during the current fiscal year;

(g) an amount equal to the aggregate of all special revenue notes which it is estimated will be outstanding at the end of the current year in anticipation of the collection of revenues other than the property tax;

(h) an amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current year;

(i) if the city is required to make up the deficit arising from the operations of utility or other public service enterprises, an amount equal to the deficit from such operations during the last completed fiscal year, separately stated for each utility or other public service enterprise which appears in a separate section of the budget;

(j) administration, operation and maintenance of each office, department, board or agency of the city itemized by character and object of expenditure;

(k) contingent expense in an amount not more than three percentum of the total amount stated pursuant to subsection (j) of this section;

(l) expenditures proposed for capital projects, including provisions for down payments on capital projects, as required by Section 5.27 of the Act.

5.26. Proposed expenditures; comparison with other years.—In the budget and budget proposal in parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during such year, the amount of each such item in the budget of the current year and the amount actually expended to the time of preparing the budget proposal plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

5.27. Down payments on capital projects.—In the budget and budget proposal under the special caption of “down payments on capital projects,” as provided in subsection (1) of Section 5.25 of this Act, there shall be separately stated as to each capital project for which it is expected that bonds will be authorized during the budget year, a sum which is not less than five percent of the amount of bonds to be authorized for that project. For purposes of the down payment, all street improvements expected to be partly financed by the issuance of bonds during the budget year may be considered a single project; so also may all proposed extensions of the water system, and likewise all extensions of the sewer system. Such an appropriation for a down payment shall not be required before the issuance of bonds to finance any capital expenditure which is the result of fire, flood or other disaster, or which is for a city owned, or operated, utility or other public service enterprise, or which is to be met in part, in cash, labor or

materials, by any agency of the government of the United States of America, or of this state.

5.28. Budget summary.—At the head of the budget and budget proposal shall appear a brief summary.

Article VI. Department of Finance.

6.01. Director of finance; appointment.—There shall be a department of finance, the head of which shall be the director of finance, who shall be appointed by the city manager, subject to the provisions of any merit or civil service system applicable to such city. The chief financial officer of any city which adopts the council-manager form of government who holds office under any civil service or merit system shall be the director of finance under the council-manager form of government.

6.02. Director of finance; qualifications.—The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

6.03. Director of finance; surety bond.—The director of finance shall provide a bond with such surety and in such amount as the council may require by ordinance. The premium shall be paid by the city.

6.04. Director of finance; powers and duties.—The director of finance shall have charge of the administration of the financial affairs of the city, and to that end he shall have authority and shall be required to:

(1) Compile the current expense estimates for the budget for the city manager;

(2) Compile the capital estimates for the budget for the city manager;

(3) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;

(4) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;

(5) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

(6) Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report;

(7) Supervise and make all special assessments for the city government, and give such notice of special assessments as may be required by law;

(8) Collect all special assessments, license fees and other revenues of the City for whose collection the City is responsible and receive all money receivable by the City from the county, state or federal government, or from any court, or from any office, department, board or agency of the city.

(9) Have custody of all public funds belonging to or under the control of the City, or any office, department, board or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the City and shall be accounted for and credited to the proper account.

(10) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity and have the safekeeping of all bonds and notes of the City and the receipt and delivery of city bonds and notes for transfer, registration or exchange;

(11) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriation and available funds, no expenditure shall be approved.

6.05. Work Programs; allotments.—Before the beginning of the budget year, the head of each office department, board, or agency shall submit to the city manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department, board or agency, by monthly periods, for the entire budget year. The city manager shall review the requested allotments in the light of the work program of the office, department, board or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department, board or agency for the budget year. An approved allotment may be revised during the budget year in the same manner as the original allotment

was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments so as to forestall the making of expenditures in excess of the said income.

6.06. Allotments constitute basis of expenditures and are subject to revision.—The city manager shall file a copy of the original allotments and of each revised allotment with the director of finance, who shall authorize all expenditures for the offices, departments, boards and agencies to be made from the appropriations on the basis of approved allotments and not otherwise.

6.07. Transfers of appropriations.—The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, board or agency, subject to sub-division (a) to (j) inclusive of sub-section (2) of Section 4.02. At the request of the city manager and within the last three months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department, board or agency, subject to sub-divisions (a) to (j) inclusive of sub-section (2) of Section 4.02. No transfer shall be made from the appropriations fixed by law or required by sub-sections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of Section 5.25 of this Act.

6.08. Accounting supervision and control.—The director of finance shall have power and shall be required to:

(1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments, boards, and agencies of the city government;

(2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the City Attorney determine the regularity, legality and correctness of such claims, demands or charges;

(4) Inspect and audit any accounts or records of financial transactions which maybe maintained in any office, department, board or agency of the city government apart from or subsidiary to the accounts kept in his office.

6.09. When contracts and expenditures prohibited.—No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Act. Any contract, verbal or written, made in violation of this Act shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

6.10. Appropriations lapse at end of year.—All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

6.11. Fees shall be paid to city government.—All fees received by any officer or employee shall belong to the city government and shall be paid daily to the department of finance. Any officer or employee who shall fail to pay such fees to the department of finance on the day such fees are received by him shall be guilty of a misdemeanor, and upon conviction thereof, he shall be dismissed from employment.

6.12. Purchases.—The director of finance, pursuant to rules and regulations established, shall be responsible for purchase, storage and distribution of all supplies, materials and equipment required by any office, department, board or agency of the city. The director of finance shall have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city;

(2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity, and conformance with specifications;

(3) Have charge of such general storerooms and warehouses as the council may provide by ordinance;

(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment.

6.13. Competitive bidding.—Before the city makes any pur-

chase of supplies, materials or equipment, costing \$1,500 or more, ample opportunity shall be given for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by ordinance; provided, however, that the council shall not except individual purchases or sales from the requirement of competitive bidding.

6.14. Contracts for city improvements.—Any city improvement costing more than \$1,500 shall be executed by contract. All such contracts for more than \$1,500 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the city manager shall have the power to reject all bids and advertise again. Alterations of any contract may be made when authorized by the council upon the written recommendation of the city manager.

6.15. Accounting control of purchases.—All purchases made by the purchasing agent shall be pursuant to a written requisition from the head of the office, department, board or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department, board or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

6.16. No contract executed until bond ordinance effective.—No contract shall be executed for the acquisition of any property or the construction of any improvement to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be voidable.

6.17. Emergency appropriations.—At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least four-fifths of the whole qualified membership of the council, and shall be made only upon written recommendation of the city manager. The total amount of all emergency appropriations made in any budget year shall not exceed five percentum of the total operating appropriations made in the budget for that year.

6.18. Borrowing to meet emergency appropriations.—In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of Section 6.17, the council may by resolution authorize the issuance of notes, each of which

shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

6.19. Borrowing in anticipation of property taxes.—In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year 19....." (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty percent of the amount of the property tax levied in that year for general city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty percent of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four percent of the amount originally issued.

6.20. Borrowing in anticipation of other revenues.—In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year 19....." (stating the budget year). Such notes may be renewed from time to time; but all such notes, together with the renewals thereof, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued.

6.21. Notes redeemable prior to maturity.—No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

6.22. Sale of notes; report of sale.—All notes issued pursuant to this article may be sold by the director of finance at not less than par and accrued interest at private sale and without previous advertisement.

Article VII. Council Districts..

7.01. Number established.—There shall be established three

(3) council districts to be designated respectively as District Post 1, District Post 2 and District Post 3, which districts shall have as nearly as is reasonable, the same population. The designation and boundaries of the initial council districts shall be specifically described and set forth. The two at-large posts on the council shall be designated as Mayor and Councilman At-Large.

7.02. Establishment of the original districts.—Under the provisions of Section 1.07 hereof, the probate judge shall establish the original districts, which shall contain as nearly equal a number of people as possible.

7.03. Reapportionment.—Whenever there shall be a change in population in any of the three districts heretofore established, evidenced by a federal census of population published following the last federal census of population preceding the adoption of this Act, or by virtue of a change in the corporation limits, there shall be a reapportionment of the council districts in the manner hereinafter provided:

(1) The manager shall within six months after the publication of each federal census of population for the city, following the last federal census of population preceding the adoption of this Act, or if within six months after there shall have been any change in the corporate limits of the city, file with the council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

(a) Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets or other well defined boundaries.

(b) Each district shall contain as nearly as is possible the same population.

(2) The council shall enact a redistricting ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the manager shall become effective without enactment by the council, as if it were a duly enacted ordinance.

(3) Such redistricting ordinance shall not apply to any primary or regular or special election held within six months after its becoming effected. No incumbent councilman or member of the board or commission shall be deprived of his expired term of office because of such redistricting.

Article VIII. Succession in Government.

8.01. Rights of officers and employees preserved.—Nothing in this Act contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department, board or agency existing at the time when this Act shall take effect, or any provision of law in force at the time when the council-manager form of government shall be adopted and not inconsistent with the provisions of this Act, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department, board, or agency thereof.

8.02. Continuance of present officers.—All persons holding administrative office at the time the council-manager form of government is adopted shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, board or agency of the City by the laws of the state shall, if such office, department, board or agency, be abolished by this Act, or under its authority, be thereafter exercised and discharged by the office, department, board or agency designated by the council unless otherwise provided herein.

8.03. Status of officers and employees holding positions when the council-manager form of government is adopted.—Any person holding an office or position in the civil service of the City under any civil service or merit system applicable to the City when the council-manager form of government shall be adopted shall continue to hold such office in the civil service of the City under the council-manager form of government and with the same status, rights and privileges and subject to the same conditions under such applicable civil service or merit system.

8.04. Transfer of records and property.—All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Act, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency, or part thereof, are by this Act assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

8.05. Continuity of offices, departments, boards or agencies.—Any office, department, board or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those of an office, department, board or agency heretofore existing shall continued to exercise its powers and duties, until otherwise provided. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department, board or agency, shall, so far as not inconsistent with the provisions of this Act, apply to such office, department, board or agency provided for by this Act.

8.06. Continuance of contracts and public improvements.—All contracts entered into by the city, or for its benefit, prior to the adoption by such city of the council-manager form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the adoption of the council-manager form of government shall be carried to completion in accordance with the provisions of such existing laws.

8.07. Pending actions and proceedings.—No action or proceeding, civil or criminal, pending at the time of the adoption of the council-manager form of government, brought by or against the City of any office, department, board or agency or officer thereof, shall be affected or abated by the adoption of the council-manager form of government or by anything therein contained in this Act.

8.08. Pension and Relief Funds.—All laws and parts of laws relating to pension, retirement and relief funds for any employees of the City, contained in the general or local laws of the state or in Title 62 of the Code of Alabama, as amended, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this Act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder.

8.09. Independent authorities, boards, agencies, etc.—All laws relating to the school board, library board, hospital board, airport board, housing authority, plumbers or electricians board, planning board, zoning board, park or recreation board, municipally owned public utility and any municipally owned service enterprise, including inter alia electric, gas and water boards, agencies, etc., and any board, authority, agency, etc., given such independent status, as the same may apply and be in effect at the time when such City shall elect to be governed by the provisions of this Act, shall continue in full force and effect and without interruption or change as to the establishment or

conduct of any such authority, board or agency, until otherwise provided by law.

8.10. When provisions take effect.—For the purpose of nominating and electing members of the council, the provisions of this Act shall become applicable to any city adopting the council-manager form of government upon the filing of the certificate of adoption by the judge of probate with the mayor of the City as provided for in Section 1.05 hereof. For all other purposes the provisions of this Act shall become applicable to said City at the time when the first council of such City elected under the provisions hereof takes office and qualifies.

8.11. Continuance of ordinances and resolutions.—All ordinances and resolutions of the city in effect at the time of adoption by the city of the council-manager form of government herein set up shall continue in effect unless and until changed or repealed by the council.

Article IX. General Provisions.

9.01. Prohibition on appointment or removal of officers and employees.—No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

9.01 (a). Removal of officers or employees.—Subject to the provisions of any civil service or merit system applicable to the city, any officer or employee whose successor may be appointed by the city manager or by the head of any office, department, board or agency, may be removed by the manager or other appointing officer at any time, and the decision of the city manager, or other appointing officer, shall be subject to appeals therefrom, if any, provided by applicable law.

9.02. Right of city manager and other officers in council.—The city manager, the heads of all departments, and such other officers of the City as may be designated by the council, shall be entitled to attend meetings of the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to their respective office, departments, boards or agencies.

9.03. Investigations by council or city manager.—The council, the city manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, board or agency or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and

compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100 or by imprisonment not to exceed six months, or both.

9.04. Contracts extending beyond one year.—No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by ordinance, and signed in the name of the City by the mayor and countersigned by the manager.

9.05. Publicity of records.—All records and accounts of every office, department, board or agency of the City shall be open to inspection by any person at all reasonable times and under reasonable regulations established by the city manager, except competitive bids for contracts under negotiation.

9.06. Officers and employees not to be privately interested in City's contracts.—No member of the council, officer or employee elected or appointed shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the City, and no such member of the council, officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said City. No such member of the council, officer or employee of such City shall be interested in or an employee or attorney of any corporation operating any public service utility within said city. No such member of the council, officer or employee shall receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said City any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, and frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than One Hundred nor more than Three Hundred Dollars, and may be imprisoned in the county jail for not more than ninety days,

and his office shall be vacated. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty; nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

9.07. Official bonds.—The city manager, the director of finance, and such other officers or employees as the council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the City.

9.08. Oath of office.—Every councilman, officer and employee of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I solemnly swear (or affirm) that I am eligible for the office of and will execute the duties of same according to the best of my ability, and that I will support the constitutions and will obey the laws of the United States and of the State of Alabama; that I will, in all respects, observe the provisions of the ordinances of the City of, and will faithfully discharge the duties of the office of"

Article X. Abandonment of Council-Manager Form of Government.

10.01. Generally.—No city may change from the council-manager form of government within two years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government either to:

(a) The form of municipal government applicable to the city prior to its adoption of the council-manager form of government, or to

(b) The mayor-council form of municipal government provided such enabling legislation has been enacted.

(c) One of the commission forms of municipal government provided by Title 37, Alabama Code of 1940, as amended and supplemented.

10.02. Petition for change of form of government.—Such change shall, however, first be initiated by petition and submitted to a vote of the qualified electors at an election and shall receive at such election a majority of the votes "yes" or in

favor thereof in the same manner and subject to the same requirements as provided in Sections 1.02 to 1.05 of Article I of this Act except that the proposition on the ballot shall be changed to reflect the proposed form of municipal government to be submitted to the vote of the qualified electors. The officers and members of the governing body of such newly adopted form of municipal government shall be elected as soon as may be under the provisions of the law applicable thereto; and upon their election and qualification for office the term of office of all members of the council under the council-manager form of government shall terminate.

10.03. No election on change more often than two years.—No election on the abandonment of the council-manager form of government shall be held within two years after any other election thereon.

Article XI. General Statutory Provisions.

11.01. Effect of this Act on existing law.—(a) All laws and parts of laws, general, local or special, relating to or affecting the City, its powers, functions, duties and property, in force when this Act shall take effect are hereby continued in effect; but all such laws relating to the exercise of powers, functions and duties by the commission or mayor-council or some other form of government shall be superseded to the extent that the same are inconsistent with the provisions of this Act.

11.02. Separability clause.—If any section or part of section of this Act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this act nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

11.03. Short title.—This Act shall be known and may be cited as the "City Manager Act of 19....."

11.04. Effective Date.—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 72

H. 137—Dial

AN ACT

To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 of any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, the county commission is hereby authorized to appropriate from the county general fund as shall be necessary to adequately support those little league athletic programs which are directly affiliated with any of the public schools in such counties.

Section 3. The provisions of this act shall be retroactive to January 1, 1973 .

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 73

H. 212—Carter, Moore (W)

AN ACT

To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Be It Enacted by the Legislatiure of Alabama:

Section 1. The Limestone County Commission is hereby empowered to appropriate such funds as it may deem advisable from the Highway Traffic Fund of said county or from other funds in the County Treasury, to the Sheriff's Office for the purpose of promoting law enforcement in such county, and are specifically authorized to appropriate such funds for the payment of the salaries of any deputies that might be employed by the Sheriff of said county with the approval of said commission.

Section 2. That all laws or parts of laws in conflict with this section shall be, and they are hereby, repealed to the extent that they so conflict herewith.

Section 3. That this Act shall become effective immediately upon its passage by the Legislature and approval by the Governor or its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 74

H. 382—Dial

AN ACT

Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Clay County.

Section 2. Definitions. As used in this Act, certain terms shall have the following meaning:

(1) "Board" shall mean County Rehabilitation Board composed of the Probate Judge, the Sheriff, and one Commissioner elected by the Commissioner's Court from among its membership.

(2) "Inmate" shall mean a person either male or female, convicted of a crime and sentenced to a term of confinement in the county jail.

Section 3. Extended Limits of Confinements. The Board shall adopt regulations and policies permitting the Sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions, to

leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate in the county jail in which he shall be confined except during the hours of his employment, and traveling thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Section 4. Wages. The employer of an inmate involved in the work release program shall pay the inmate's wages direct to the Board less 10 percent of the gross pay which shall be paid directly to the inmate. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board is authorized to withhold from an inmate's earnings 30 percent of his gross earnings to pay such cost incident to the inmate's confinement. After 30 percent has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect however, to pay the remaining 60 percent of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate consents to such payment.

Section 5. Escape. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the county jail within the time prescribed by the Sheriff shall be deemed as an escape from the custody of the Sheriff and shall be punishable as prescribed by Act No. 87, S. 107 of the 1959 Regular Session (Acts 1959, Vol. 1, p. 508).

Section 6. Investigation and Recommendation. Employees of the Board of persons designated by the Board are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the Sheriff in the implementation of the program herein authorized.

Section 7. Securing Employment. The Board or members of the Board shall endeavor to secure employment for eligible inmates under this Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area;

(2) Such employment shall not result in displacement of employed workers;

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts;

(4) Exploitation of eligible inmates, in any form, is prohibited either as it might affect the community, the inmates, or the Board;

(5) No county official, nor any member of his family within the fourth degree of kinship by blood or marriage, may personally employ any inmate for pay or otherwise. Nothing herein shall be construed to prohibit the county governing body from employing the inmate within the guidelines of this Act.

Section 8. Education. The Board, at its discretion, may also allow an inmate to participate in the release program to further the inmate's education. Under this section the inmate must follow all the rules and regulations prescribed for other inmates participating in the work release program.

Section 9. Furloughs. The Board may adopt rules and allow the Sheriff to grant furloughs or leave time not to exceed three consecutive days or 72 hours to inmates whom the Board deems are deserving.

Section 10. Inmate not an Agent of State or County. No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee, or involuntary servant of the Board, State, or County, while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 11. Reports. The Sheriff shall prepare an annual report which shall include a financial statement, to be filed with the Board not later than sixty days from the close of each fiscal year showing the operations and administrations and suggestions as deemed advisable. The Board shall designate someone to keep such records as they deem appropriate and shall compensate them from the 10% earnings retained from the inmates.

Section 12. Penalty Clause. Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 75

H. 393—Warren

AN ACT

To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose principal place of business is located in Repton, Alabama shall have the power to establish, to maintain, and to operate within the limits or boundaries of such county one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 76

H. 507—Goodwin, Coburn

AN ACT

To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters is hereby amended to read as follows:

“Section 4. Each member of the board of registrars shall receive twenty dollars (\$20.00) per day, for each day’s attend-

ance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies."

Section 2. The operation of this act shall be retroactive to January 1, 1977 and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 77

H. 513—Hines

AN ACT

Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. The municipal governing body of the city of Brewton located in Escambia County is hereby authorized to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 78

H. 527—Owens

AN ACT

To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), is hereby amended to read as follows:

"Section 1. The officers appointed to hold elections in Bibb County shall each be entitled to \$20 for each election, whether voting machines be used or not, and in addition, the returning officer shall be entitled to five cents a mile in going to the courthouse and returning to the place of holding the election. The claims of election officers shall be paid as preferred claims, out of any money in the county treasury not otherwise appropriated, on proper proof of service rendered. However, all amounts paid to election officers under this act for per diem in excess of the amount prescribed by general laws shall not be reimbursable by the State of Alabama."

Section 2. This act shall become effective October 1, 1977.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 79

H. 528—Owens

AN ACT

To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), is hereby amended to read as follows:

"Section 1. The chairman and each member of the county board of equalization of Bibb County shall be entitled to \$20.00 a day for each day's service as provided by law. Of this, \$15.00 a day shall be paid from the general funds of the county; and the remainder shall be paid as provided in Code of Alabama 1940, Title 51, Sections 94 and 95, as amended."

Section 2. This act shall become effective October 1, 1977.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 80

H. 529—Owens

AN ACT

To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County, is amended to read as follows:

“Section 1. Each member of the jury commission shall be paid the sum of twenty dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. Such warrants shall be issued by the probate judge upon evidence satisfactory to him that such service has been rendered.”

Section 2. This act shall become effective October 1, 1977.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 81

H. 530—Owens

AN ACT

Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff of Bibb County.

Section 2. All fees collected from the sale of pistol permits under Section 1 of this act shall be deposited by the sheriff of

the county, into a fund known as the sheriff's law enforcement fund. Such fund shall be drawn upon by the sheriff upon the approval of the Judge of Probate of the county and shall be used exclusively for law enforcement purposes.

Section 2. The establishment of the sheriff's law enforcement fund in Bibb County as provided in this act and the use of such fund shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 82

H. 532—Owens

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Centreville in Bibb County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Along that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 22, Township 23 North, Range 9 East on County Road 28 or county Project SACP-3196A and beginning at the Northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22; thence Southerly along the Western boundary of said quarter section to the intersection of the North right-of-way line of Bibb County Road 28; thence 66 Degrees 55 Minutes East along the North right-of-way of County Road 28 to a point that is 132 feet West of the East boundary of Section 22; thence Northerly and parallel to the East boundary of Section 22 to a point that is 750 feet perpendicular to County Road 28; thence North 66 Degrees 55 Minutes West and parallel to the North boundary of County Road 28 to the intersection of the West boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15; thence Southerly along the West

boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15 to the point of beginning.

The above described parcel of land lies in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 23 North, Range 9 East.

Begin at the NW corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 22, Township 23 North, Range 9 East; thence South along said $\frac{1}{4}$ section line for a distance of 148.68 feet; thence turn an angle of 61 Degrees 44 Minutes to the left and go Southwest along Dry Hollow Road for a distance of 569 feet; thence turn an angle of 62 Degrees 07 Minutes to the right and go Southerly for a distance of 1,482.67 feet which is the Southeast corner of R. D. Hobson Estate, the point of beginning; thence Westerly along South boundary of Hobson property and the North boundary of John Steele property to the intersection of Averette property; thence Southerly for a distance of 1,980 feet to the intersection of the North Boundary of Ellison property; thence Easterly along North Boundary of Ellison property to the intersection of the Julia Ashworth property; thence North along West Boundary of said Ashworth property for a distance of approximately 1,584 feet; thence Northeasterly along North Boundary of Ashworth property to the intersection of the South boundary of Barton property; thence meandering Northwest-erly along South boundary of L. C. Barton property for a distance of approximately 1200 feet to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 83 H.J.R. 55—Albright, Smith (B), Riddick, Lutz,
Starkey, McNees, Naramore, Weeks,
Moore (W), Sasser, Turnham

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ESLEY MULLENAX
FLANAGAN.

WHEREAS, the Alabama Legislature has noted with deep

regret the passing of Esley Mullenax Flanagan of Paint Rock, Alabama, on January 20, 1977; and

WHEREAS, Mrs. Flanagan dedicated a long and useful lifetime of community service to the enrichment of the educational and religious affairs of Paint Rock, Alabama, exhibiting always those admirable traits of honesty, pride, a sense of humor and wit; and

WHEREAS, "Miss Esley," as she was called by her students, retired on June 1, 1965, after 42 years of teaching, having extended her influence from the school room to her home, where generations of students congregated and never knew there was a "generation gap"; and

WHEREAS, Miss Esley was a dedicated family woman and the justifiably proud mother of four fine children: B. J. Flanagan, Faye C. Heath, Jane E. Taylor and James M. Flanagan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the death of Esley Mullenax Flanagan and express our deep and sincere sympathy to her family and friends to whom copies of this resolution shall be sent.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 84 H.J.R. 67—Gregg, Smith (B), Albright, Lutz,
 Moore (W), Riddick, Martin

HOUSE JOINT RESOLUTION

Mourning the Death of Dr. Kenneth E. Johnson, WHEREAS, The House of Representatives and the Senate, comprising the Legislative body of the State of Alabama, wishes to pause and pay tribute to an outstanding Alabama citizen, Dr. Kenneth E. Johnson, government leader, and his many contributions which have served the welfare of the people of our state, and who has in fact been instrumental in the progressive development of this state, and

WHEREAS, This legislature is desirous of recognizing these many contributions of this gentleman so that they become in fact a portion of the permanent records of the State of Alabama so that Alabamians in the future may come to know and recognize the benefits of this man's unselfish contributions, and

WHEREAS, the Legislature of Alabama, both Houses thereof concurring, are desirous of expressing their sympathies to this man's wife, Betty, and children, David, Susan, John and Jenny, and other survivors

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the following list of Dr. Kenneth E. Johnson's contributions become a part of history and recorded in the journals of this state:

Dr. Johnson served as President of the Huntsville City Council; Director of CCES, a division of the University of Alabama Huntsville; his work with the Alabama Development Office in Montgomery; his position as Science Advisory to Governor George C. Wallace; as Secretary-Treasurer of the fifty-state National Governors' Council for Science and Technology; his chairmanship of the Alabama Regional Environmental Quality Council; his assistance in founding the Lincoln Girls' Club, and service as first chairman of that group; his leadership in the establishment of the auto check research facilities; his efforts in obtaining a three million dollar grant for the establishment of that facility; his progressiveness in presenting Huntsville to the Federal Government as a choice site for the Solar Research Institute; his service on the Board of Directors of the Salvation Army, and numerous other civic and technological activities; his assistance in the early planning of the Von Braun Civic Center, a recognized and applauded facility in Huntsville, Alabama; his foresight to recognize the need for environmental protection and work in the Alabama-Mississippi Sea Grant Management Committee; his instrumentality in providing revolutionary techniques for missile propellants for the Army Missile Command; his Christian service to mankind and his loving devotion to his family

BE IT FURTHER RESOLVED that copies of this resolution be presented his wife and family, and an additional copy of this resolution be sent the City of Huntsville as a lasting tribute to this great Alabamian.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 85

H.J.R. 68—Sonnier, Sandusky, Callahan,
Johnstone, Glass, Cooper

HOUSE JOINT RESOLUTION
CONGRATULATING THE COACHES AND PLAYERS

**OF THE MURPHY HIGH SCHOOL PANTHERS FOR THEIR
SUPERLATIVE EFFORTS DURING THE 1976 FOOTBALL
SEASON.**

WHEREAS, although beset with difficulties and deleterious injuries throughout the season, the Murphy High School Panthers did post a 10-3-1 record; and

WHEREAS, despite the difficulties encountered in their efforts, they did finish second in football in the State of Alabama; and

WHEREAS, although losing the final play-off game to an outstanding team from Mountain Brook, the Murphy High School Panthers did play so well that their efforts were lauded by both press and fans as one of the greatest high school football games in the history of Alabama football; and

WHEREAS, this effort by the Murphy High School Panthers could not have been achieved without the untiring efforts of Head Coach Robert Shaw and his able assistants, who in addition to their teaching efforts did spend many extra hours with the team; and

WHEREAS, the players did put in many extra hours in addition to their academic efforts; and

WHEREAS, the students and faculty at Murphy High School did support the team in their efforts; and

WHEREAS, certain people such as Dr. John Douglas did devote much time in voluntary efforts to assist the coaches and players; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to the players, coaches and fans of the Murphy High School Panthers for the outstanding service that their efforts have done for this State, high school athletics and the people of Mobile County.

BE IT FURTHER RESOLVED, That we wish the coaches and players of the Murphy High School Panthers good fortune in their future efforts.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Murphy High School, Coach Robert Shaw, and Dr. John Douglas.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 86

H.J.R. 69—Moore (O)

HOUSE JOINT RESOLUTION

HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.

WHEREAS, William M. "Buck" Clark served approximately forty years as Assistant and County Agent in Shelby County, beginning with the Extension Service on January 26, 1937, as Assistant County Agent in 4-H activities; and

WHEREAS, his assignment was interrupted by World War II, during which time Captain Clark served his country commendably in the 31st Infantry Division in the South Pacific from 1941 through 1945; and

WHEREAS, after his tour of duty, he returned to Shelby County in November 1945, as Assistant County Agent, and in 1963, upon the retirement of A. A. Lauderdale, was named County Agricultural Agent for Shelby County, receiving in 1968 the Distinguished Service Award by the National Association of Agricultural Agents for local County Extension Programs; and

WHEREAS, Mr. Clark's further involvement in religious, civic and community affairs includes membership in the Columbiana United Methodist Church, a former member of the Columbiana Kiwanis Club which he served as president in 1949, Red Cross Fund Drive Chairman in 1949, and Shelby County Chairman of the Cancer Crusade in 1960-61; and

WHEREAS, "Buck" Clark of Columbiana, Alabama, has retired after devoting forty years of tireless and invaluable service to his county and state, and to his nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend William M. Clark for his service to others, congratulate him upon his retirement, and wish for him a long and continued life of happiness in all his future endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Clark and his wife, Catherine Gay Clark, and to their daughter, Mrs. Gay Blalock.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 87 H.J.R. 85—Robertson, Howard, Owens, Johnson,
Clark, Lee

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF THE REVEREND OSBORNE SAMUEL HARVEY.

WHEREAS, the Legislature of Alabama has noted with deep regret the death of Osborne Samuel Harvey on February 8, 1977; and

WHEREAS, The Reverend Harvey was both a resident of Northport, Alabama, and pastor of the First Baptist Church of Northport and had served also as pastor of Bethel Baptist Church in Tuscaloosa, and at churches in Epps and Gainesville, Alabama, for a total of more than forty-one years in the ministry; and

WHEREAS, his religious endeavors extended further to serving as president of the New Antioch Bethlehem District Sunday School and B.T.U. Congress, president of the Northwest District State Convention, and as vice-president of the Alabama State Missionary Baptist Convention; and

WHEREAS, the Reverend Harvey also was one of the charter trustees of Selma University and a member of the board of trustees of the N.A.B.D. Religious Center; and

WHEREAS, through his concern and dedicated efforts he played an instrumental role in the construction of the West Alabama General Hospital in Northport, Alabama; and

WHEREAS, Osborne Samuel Harvey was a sincere, dedicated Christian man who spent his life in the service of his Lord, while exhibiting always those admirable attributes of devotion to duty and concern for his fellowmen, and gaining the love and respect of his family and all whose lives were touched by him; and

WHEREAS, he is survived by his wife, Mrs. Alice Henderson Harvey; his daughter, Mrs. Lula Belle Freeman; his sister, Mrs. Matilda Williams; his brother, Luther Harvey; and five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of the Reverend Osborne Samuel Harvey and extend our most heartfelt sympathies to his wife and family.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mrs. Harvey, and one to be placed in the

archives of the First Baptist Church of Northport which he served so long and faithfully.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 88

H.J.R. 91—Whatley

HOUSE JOINT RESOLUTION

CITING FOR MERIT DR. BOOKER TILLMAN WHATLEY OF TUSKEGEE INSTITUTE.

WHEREAS, Booker Tillman Whatley, a native of Anniston, Alabama, received his early education in Calhoun County, his B. S. degree from Alabama A & M University, his Ph. D. from Rutgers, and further completed specialized schools and courses at Command and General Staff College, the Industrial College of the Armed Forces, and Bio-Medical Telemetry at the Smithsonian Institute; and

WHEREAS, Dr. Whatley, a retired Army Major, served meritoriously during both World War II and the Korean Conflict, officially retiring in 1975 with more than thirty years of military service; and

WHEREAS, he has served in the past as a county extension agent, with the U. S. Postal Service, as a high school principal, Professor and Department Head at Southern University, Horticultural Advisor in Ghana, West Africa, a Consultant with the Peace Corps, and presently holds the position of Professor of Plant and Soil Science at Tuskegee Institute; and

WHEREAS, Dr. Whatley further holds membership in a vast number of professional organizations, has authored more than twenty-five scientific publications, and has excelled in the area of research, directing his knowledgeability toward the world food crisis and small and limited resource farmers; and

WHEREAS, in addition to an impressive list of distinguished honors and awards acquired throughout his years of service in scientific fields, Dr. Whatley received the Outstanding Scientist Award for Meritorious Achievement in Research in 1976, and was the originator of two sweet potato cultivars, the 'Carver' and 'Rojo Blanco', which will have a significant economic impact on this state, and for which he has received the Alabama Agricultural Scientist of The Year Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize Dr. Booker Tillman Whatley as a brilliant and dedicated scientist, that we highly commend him for the honor and fame he has brought to our state, and that we present him now this meritorious citation for outstanding contributions of worldwide significance.

BE IT FURTHER RESOLVED, THAT Dr. Whatley receive a copy of this resolution as a token of our high esteem.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 89

H.J.R. 92—Roberts

HOUSE JOINT RESOLUTION

CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.

WHEREAS, the Legislature of Alabama has noted that Morgan County High School's Archery Team won first place in the Junior Olympic Archery Development Round in team competition at the International Archery Championships at Las Vegas, January 28 - 30, 1977, with Ann Yeager placing second individually and Pam Carden third; and

WHEREAS, this Hartselle, Alabama team, already the recipient of many prior prestigious awards, also placed second in the National Archery Association FITA Team competition, with Eunice Stallworth taking first place in the "A" flight in this division and Coach Mary Rodgers placing fifth in the Championship Flight in which Luann Ryon, Olympic Gold Medalist, won first place; and

WHEREAS, under the able direction of their coach, this fine team also is the defending state archery champion, having won that title eight out of ten years Mrs. Rodgers has been coaching, a success story further due, in part, to encouragement from the team members' parents, friends and other local supporters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Morgan County High School Archery Team for their commendable, award-winning performance in Las Vegas, and wish for them continued success in future competition.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Mary Rodgers on behalf of the entire fifteen-member team, and to the five who participated so successfully in Las Vegas: Ann Yeager, Pam Carden, Eunice Stallworth, Annette Mason and Regina Johnson.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 90

H.J.R. 97—Holmes (D)

HOUSE JOINT RESOLUTION

COMMENDING THE OXFORD HIGH SCHOOL GIRLS GYMNASTICS TEAM FOR THEIR AWARD WINNING PERFORMANCE IN STATEWIDE COMPETITION.

WHEREAS, the Oxford High School girls gymnastics team participated at Erwin High School in Birmingham, Alabama, February 5, 1977, in the State Novice Gymnastics competition and was awarded the State Championship, capturing top honors with an impressive total of 72.65 points; and

WHEREAS, individually, first place honors were awarded to Susie Tolton, Melanie English and Darla Morrison; second place awards to Joy Brown and Darla Morrison; third place ribbons to Donnette Higgins, Susie Tolton and Missy Coffman; and fourth place honors to Donnette Higgins and Stacy Russell; and

WHEREAS, the entire gymnastics team, performing with precision, achieved this singular honor under the able direction of gymnastics coach Linda Barnett, who also coaches the girl's track and volleyball teams in addition to teaching Physical Education at Oxford High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and heartily congratulate the Oxford High School gymnasts on their spectacular performance in capturing the State Championship in the State Novice Gymnastics Competition, bringing honor not only to themselves, but to their coach, to their school and to their community.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Coach Linda Barnett on behalf of Oxford High School and to team members Lynn Allgood, Joy Brown, Missy Coffman, Marilyn Culbertson, Jill Curry, Melanie English, Donnette Higgins, Beth Hurst, Darla

Morrison, Stacy Russell and Susie Tolton.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 91

H.J.R. 98—Holmes (D)

HOUSE JOINT RESOLUTION

COMMENDING THE WEAVER HIGH SCHOOL MARCHING BAND FOR HONORS PARTICIPATION IN NEW ORLEANS' MARDI GRAS.

WHEREAS, the Legislature of Alabama has noted that the Weaver High School Marching Band first attended and participated in New Orleans' Mardi Gras band competition in 1975 and took fourth place honors, and in 1976 won second place; and

WHEREAS, for the third consecutive year, this outstanding marching band has achieved distinction by winning third place honors in the Krewe of Mid-City Parade Greatest Bands in Dixie Contest, winning a trophy, individual medals and an awards certificate for its performance; and

WHEREAS, Bill Veazey, Band Director at Weaver High School for eight years, was also awarded a plaque as director of this 132-member group which was in competition with 16 other groups from around the Southeast, participation by invitation only; and

WHEREAS, the band members not only spend many long hours in practice and preparation for this event, but also financed the four-day trip through money-making projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Weaver High School Marching Band for their many prior outstanding awards and for honors received again this year in competition in New Orleans.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Mr. Huey Brown, Principal of Weaver High School, and to Band Director, Bill Veazey.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 92

H.J.R. 99—Holmes (D)

HOUSE JOINT RESOLUTION

CONGRATULATING CHERYL BURGESS, "MISS ALABAMA UNIVERSE."

WHEREAS, Miss Cheryl Burgess of Alexandria was named "Miss Alabama Universe" February 12, 1977, in Huntsville, Alabama, and will represent our state at the Miss USA Pageant in Charleston, South Carolina in May, which winner will represent the United States in the Miss University Pageant later this year; and

WHEREAS, Miss Burgess, who received a one-year scholarship to Jacksonville State University where she is a freshman majoring in business administration, and a three-month scholarship to the University of Alabama in Huntsville, also currently reigns as "Miss Talladega 500" and "Miss Alabama Hemisphere"; and

WHEREAS, we believe this charming young lady of outstanding beauty, charm and talents will most ably represent and bring credit to our state in the forthcoming competition for the title of "Miss USA" in Charleston; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate Cheryl Burgess, "Miss Alabama Universe" and wish her success in further competition as beauty ambassador from her state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Burgess and to her proud parents, Mr. and Mrs. Charles Burgess of Alexandria.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 93

H.J.R. 100—Holmes (D)

HOUSE JOINT RESOLUTION

COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

WHEREAS, The Walter Wellborn High School Panthers Football Team won the Alabama High School Area 11 and Region 6 Championship in Class AAA; and

WHEREAS, the Walter Wellborn High School Panthers

Football Team worked diligently, long and hard to achieve these fine goals; and

WHEREAS, Coach Johnny Ingram and his assistant coaches are due much credit not only for the high degree of skillful instruction displayed in team play but also for the fine spirit displayed throughout the season; and

WHEREAS, the school spirit enthusiastically led by the cheerleaders was outstanding, as was the sportmanship of the team and its supporters during the state playoffs; and

WHEREAS, the "Panthers Are Back," providing great football entertainment and reminding everyone that truly there is nothing like a "Panther on Friday Night"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Walter Wellborn High School Panthers for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Wellborn High School and to the Wellborn Athletic Association.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 94	H.J.R. 103—Whatley, Baker, Turnham, Reed, McCorquodale, Armstrong, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor,
------------	--

Trammell, Venable, Waggoner,
Warren, White, Williams, Wyatt,
Shoemaker

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE G. J. "DUTCH" HIGGINBOTHAM ON HIS ELECTION TO THE SENATE

WHEREAS, Representative G. J. "Dutch" Higginbotham of Opelika won election on February 22, 1977, as Senator from Senate District 22, consisting of Russell, Lee, Chambers and Barbour Counties; and

WHEREAS, he claimed his senate seat with a more than three to one margin over his opponent, winning better than 72% of the overall vote; and

WHEREAS, it is with deep regret that we lose our beloved and esteemed colleague from the House Chambers, as he has served the people of his district with diligence and dedication, ever mindful and sensitive to their needs and to those of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deep appreciation for the outstanding work "Dutch" Higginbotham has performed in the House, that we heartily congratulate him on his authoritative victory, and wish him every success in his future with the Senate.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to Mr. Higginbotham that he may know of our warm wishes and high esteem.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 95

H.J.R. 104—Gregg, Albright

HOUSE JOINT RESOLUTION

COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF BUTLER HIGH SCHOOL, HUNTSVILLE, ALABAMA.

WHEREAS, the Student Government Association of Butler High School is sponsoring their second annual Fiddler's Convention, scheduled for March 11-12, 1977 in Huntsville, Alabama; and

WHEREAS, we applaud the significant intent of this worthy project which is to preserve and encourage the art of folk music, principally of the harmonica, fiddle, banjo, mandolin, dulcimer, guitar, folk singing, blue grass and buck dancing; and

WHEREAS, although faculty sponsored, all work and planning is done by the students, a tremendous undertaking as some 200 folk musicians from throughout the Southeast, and encompassing all ages, will be in attendance and competing for trophies and prizes before an anticipated audience of 2500 or more; and

WHEREAS, these fine young students are to be praised further for their efforts in securing a concert appearance to open the convention by Grammy Award winner, Charlie McCoy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Student Government Association of Butler High School for their sponsorship of this second annual Fiddler's Convention with the praiseworthy purpose of preserving and furthering this type of music, much of which is indigenous to our state and area.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Student Government Association and to Butler High School in Huntsville.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 96

H. 10—Folmar

AN ACT

Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pike County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama, 1940, Title 14, Section 177, shall hereafter be five dollars (\$5.00), which fee shall be collected by the sheriff's department and deposited into the county general fund.

Section 2. The provisions of this act are severable. If any

part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall be retroactive to August 18, 1976.

Approved March 4, 1977.

Time: 2:30 P.M.

Act No. 97

H. 51—Dial

AN ACT

To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," is hereby amended to read as follows:

"Section 1. The county commission of counties having a population of not less than 10,900 nor more than 11,500 according to the 1970 or any subsequent federal decennial census is hereby authorized to pay to the Probate Judge of such counties a clerk hire allowance not to exceed \$27,500 per annum, said sum to be paid out of the general fund or any other available funds of said counties."

Section 2. This act shall have retroactive effect to January 17, 1977.

Approved March 8, 1977.

Time: 2:35 P.M.

Act No. 98

H. 52—Dial

AN ACT

To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The coroner in any county to which this act applies shall be paid an expense allowance in the amount of \$125.00 per month out of the county general fund which shall be in addition to any and all salary, compensation and expense allowances heretofore provided for by law.

Section 3. The coroner in any county to which this act applies is authorized to appoint a qualified person to serve as deputy coroner in the absence of the coroner, during periods when the coroner may be incapacitated or when assistance of a deputy coroner is otherwise needed. When called upon to serve, the deputy coroner shall have the same legal authority and responsibility as the coroner. The county shall be prohibited from making any expenditure in the form of salary, compensation, expense allowance or otherwise in regard to the appointment and service of any deputy coroner.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 8, 1977.

Time: 2:35 P.M.

Act No. 99

H. 135—Dial

AN ACT

Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the

circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Clay County shall be entitled to receive compensation as follows:

- (a) The judge of probate, an annual salary of \$20,000.00
- (b) The tax assessor, an annual salary of \$14,000.00
- (c) The tax collector, an annual salary of \$14,000.00
- (d) The clerk of the circuit court, an annual salary of \$
- (e) The register of the circuit court, an annual salary of \$

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, tax collector, clerk of the circuit court and register of circuit court, hereafter shall be collected and paid into the general fund of the county.

Section 3. The governing body of Clay County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective on the first day of the month beginning after the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to so regulate the compensation of such officers.

Approved March 8, 1977.

Time: 2:35 P.M.

Act No. 100

H.J.R. 122—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE EXAMINERS OF PUBLIC ACCOUNTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Examiners of Public Accounts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Examiners of Public Accounts, the committee voted on October 12, 1976 to recommend the continued existence of the Examiners of Public Accounts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Examiners of Public Accounts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 101

H.J.R. 128—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE DEPARTMENT OF INDUSTRIAL RELATIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Industrial Relations; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Industrial Relations, the committee voted to recommend the continued existence of the Department of Industrial Relations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Industrial Relations, pursuant to the terms

of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 102

H.J.R. 129—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council, the committee voted on October 19, 1976, to recommend the continued existence of the Advisory Council, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 103

H.J.R. 131—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Labor; and

WHEREAS, following a review and evaluation relative to

the continued existence of the Department of Labor, the committee voted to recommend the continued existence of the Department of Labor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Labor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 104

H.J.R. 132—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Securities Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Securities Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Alabama Securities Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Securities Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 105

H.J.R. 160—Sunset Committee

HOUSE JOINT RESOLUTION PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.

WHEREAS, pursuant to the "Alabama Sunset Law of

1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Appeals; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Appeals, the committee voted to recommend the continued existence of the Board of Appeals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Appeals, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 106

H.J.R. 162—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Liquefied Petroleum Gas Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Liquefied Petroleum Gas Board, the committee voted to recommend the continued existence of the Liquefied Petroleum Gas Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Liquefied Petroleum Gas Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 107

H.J.R. 177—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Examiners of Speech Pathology and Audiology; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Examiners of Speech Pathology and Audiology, the committee voted to recommend the continued existence of the State Board of Examiners of Speech Pathology and Audiology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Examiners of Speech Pathology and Audiology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 108

H.J.R. 178—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Air Pollution Control Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Air Pollution Control Commission, the committee voted to recommend the continued existence of the Air Pollution Control Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That the Air Pollution Control Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 109

H.J.R. 179—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF AGRICULTURE AND INDUSTRIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Agriculture and Industries; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Agriculture and Industries, the committee voted to recommend the continued existence of the Board of Agriculture and Industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Agriculture and Industries, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 110

H.J.R. 181—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings,

received testimony from the public and all interested parties relating to the continued existence of the State Board of Veterinary Medical Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Veterinary Medical Examiners, the committee voted to recommend the continued existence of the State Board of Veterinary Medical Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Veterinary Medical Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 111

H.J.R. 182—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; and

WHEREAS, following a review and evaluation relative to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, the committee voted to recommend the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 112

H.J.R. 207—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE COSMETOLOGY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cosmetology Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cosmetology Board, the committee voted to recommend the continued existence of the Cosmetology Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cosmetology Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 113

H.J.R. 295—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE BOXING AND WRESTLING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Boxing and Wrestling Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Boxing and Wrestling Commission, the committee voted to recommend the continued existence of the Boxing and Wrestling Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Boxing and Wrestling Commission, pursuant to the terms

of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 114

H.J.R. 296—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Farmers Market Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Farmers Market Authority, the committee voted to recommend the continued existence of the Farmers Market Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Farmers Market Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 115

H.J.R. 297—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ethics Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ethics Commission, the committee voted to recommend the continued existence of the Ethics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ethics Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 116

H.J.R. 308—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Joint Interim Committee on Finance and Taxation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Joint Interim Committee on Finance and Taxation, the committee voted to recommend the continued existence of the Joint Interim Committee on Finance and Taxation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee on Finance and Taxation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 117

H.J.R. 314—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Intergovernmental Cooperation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Intergovernmental Cooperation, the committee voted to recommend termination of the Commission on Intergovernmental Cooperation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Intergovernmental Cooperation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

Approved March 10, 1977.

Time: 2:30 P.M.

Act No. 118

H.J.R. 110—Carter

HOUSE JOINT RESOLUTION

NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

WHEREAS, Pi Tau Chi, National Honor Society in Religion, was founded on the Athens College campus in 1923; and

WHEREAS, the founder of Pi Tau Chi, Dr. William Graham Echols, was a faculty member at Athens College; and

WHEREAS, the National Headquarters of Pi Tau Chi is located at Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the Chapel in Founders Hall at Athens State College the "Chapel of Pi Tau Chi," and directs that a plaque so designating said chapel and honoring Dr. William Graham Echols as the founder of Pi Tau Chi be placed appropriately with reference to the Chapel by the proper authorities of Athens State College.

BE IT FURTHER RESOLVED, That a copy of this resolution be furnished to the National Headquarters of Pi Tau Chi and a copy thereof sent to the President of Athens State College.

Approved March 11, 1977.

Time: 5:30 P.M.

AN ACT

Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

Be It Enacted By The Legislature Of Alabama:

Section 1. The Coosa County Commission may, at its discretion, levy a tax in addition to that allowed by law on all persons, firms and corporations selling, distributing or delivering to retailers in Coosa County any malt or brewed beverages (including beer, lager, ale, porter or similar fermented liquor containing one-half of one percent or more of alcohol by volume) provided the total amount of all such tax levied by the county under this act or any other provision of law shall not exceed five cents on each twelve fluid ounces or fractional part thereof of such beverages sold, distributed or delivered within the county.

Section 2. The Coosa County Commission may, at its discretion, levy such tax, so that the same shall be uniform within the corporate limits of all municipalities of the county, and so that the same shall be uniform outside the corporate limits of all municipalities but within the police jurisdiction of all such municipalities, and so that the same shall be uniform in all parts of the county outside the police jurisdictions of all municipalities.

Section 3. The Coosa County Commission is hereby authorized to provide rules and regulations and administrative machinery for the enforcement of collection of the tax authorized by this act, including the requirement that each container of such beverage bear a decal or stamp issued pursuant to regulation of said Coosa County Commission.

Section 4. It shall be unlawful for any person, firm or corporation to possess in Coosa County any such beverage without the container thereof having affixed thereto the decal or stamp provided for in the preceding paragraph. Any person, firm, or corporation who possesses any such beverage within Coosa County without the container thereof having affixed thereto the decal or stamp provided for in the preceding paragraph shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

Section 5. Any such beverage, the container of which does not bear the decal or stamp provided for in paragraph 3 hereof, is hereby declared to be contraband and any lawful officer of the State of Alabama, of Coosa County or of any municipality therein is hereby authorized to seize the same and to deliver

the same to any court in said county which now or hereafter has jurisdiction over contraband goods and such court shall have authority to order the same sold to the highest bidder for cash after giving notice of such sale by posting notice at the courthouse door ten (10) days before such day of sale and after paying all costs of such proceeding to pay any remainder into the Coosa County general fund.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 16, 1977

Time: 4:40 P.M.

Act No. 120

S. 399—Shelby

AN ACT

To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Article I. ADOPTION OF MAYOR-COUNCIL FORM OF GOVERNMENT; ELECTION AND TERM OF FIRST COUNCIL.

1.01. Cities to which act applies.—Any city in the State of Alabama which has a population of more than sixty thousand and not exceeding one hundred twenty-five thousand according to the 1970 or any subsequent federal decennial census, may adopt the mayor-council form of government by proceeding in the manner hereinafter in this act provided.

1.02. Election. On Tuesday, April 19, 1977, the proposition of adopting the mayor-council form of government for the city shall be submitted to the qualified electors thereof in every city to which this act applies when it becomes law. Thereafter in any city not then currently governed under the provisions of this act upon the filing of a petition signed by ten percent (10%) or more of the qualified electors of such city, asking that the proposition of the adoption of the mayor-council form of government for such city be submitted to the qualified voters thereof, with the judge of probate of the county in which such city is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition purporting to be signed by at least ten percent (10%) of the qualified voters of such city shall be presented to the judge of probate, he shall examine such petition and determine whether or not the same is signed by at least ten percent (10%) of the qualified electors of such city, and if such petition is signed by the requisite number of electors to require such an election, he shall within fifteen days from the receipt of such petition certify such fact to the governing body of the city for which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final.

1.03 Call of election by governing body.—The governing body of every city to which this act applies when it becomes law shall within five days after this act becomes law, by order, call an election to be held on April 19, 1977, at which election the question of the adoption of the mayor-council form of government for such city under this act shall be submitted.

Thereafter the governing body of any city not then currently governed under the provisions of this act shall immediately upon receipt of a certificate from the judge of probate, issued pursuant to Section 1.02 above, by order, submit the question of the adoption of the mayor-council form of government for such city, under this act, at a special election to be held at a time specified in such proclamation, not less than forty days and not more than sixty days after the receipt of said certificate from said probate judge, unless a general or

regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election. Should the election not be called by orders of the governing body of the city within 10 days after receipt of such certificate, the judge of probate shall call such election by order at a time specified therein but not less than 40 days and not more than 60 days after the receipt by the governing body of the said certificate of the probate judge.

1.04 Second election not called within two years.—If the mayor-council form of government is not adopted at an election called pursuant to 1.03 supra, the question of adopting such form of government shall not be re-submitted to the voters of such city for adoption within two years thereafter, and then the question of adopting said form of government may be re-submitted in the manner above provided.

1.05. Proposition submitted; form of ballot.—At the election the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question, and shall read as follows: "Shall the mayor-council form of government, as provided by the Mayor-Council Act of 1977, be adopted for the City of?"

"Yes"

"No"

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. The voter shall express his choice as to one form of government only and no ballot shall be legal which is marked for more than one choice. No other proposition shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above proposition may at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city, be submitted as a separate proposition on voting machines so used.

1.06. Conduct, canvassing and declaration of result of election.—The election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections in such city, and only qualified electors of such city shall vote thereat. If the majority of the votes shall be "yes" or in favor of such proposition, the provisions of this act shall thereby be adopted for such city, and the election commission or other canvassing board or official shall transmit to the governor, to the secretary of state, to the judge of probate of the county, and to the chief executive officer of the city, a certificate stating that

such proposition was adopted by such city. All the expenses of any election called pursuant to this article shall be paid by the city.

1.07. Election of first council and first mayor; term of office.—Upon the adoption of such form of government, the probate judge of the county wherein the city lies shall call an election to be governed by this act, to be held on the second Tuesday in September preceding the expiration of the term of office of the members of the city governing body serving when the mayor-council form of government prescribed in this act is adopted, the expense thereof to be paid by such city, for the election by the qualified voters of such city of eight councilmen, seven of said councilmen to be known as district councilmen and one to be known as councilman-at-large, and a mayor. Candidates shall qualify as provided in Section 3.02 hereof and shall have the qualifications and eligibility set forth in Sections 3.03 and 3.04 hereof. Each voter in the election may cast one vote for a candidate from his district and one vote for a candidate from his district and one vote for a candidate for councilman-at-large, and one vote for a candidate for mayor. Any district councilman candidate receiving a majority of the total votes cast from the district in which he is a candidate shall be elected as a district councilman from his district. In the event that any of the district candidates and one candidate for councilman-at-large should fail to receive such a majority then and in that event those candidates for the council receiving a majority shall be elected, and another election shall be held upon the same day of the week two weeks thereafter for the purpose of filling the remaining positions on the council. Such election shall be called and held in the same mode and manner and under the same rules and regulations as the first election. In the second election there shall be two candidates for each place upon the council to be filled in such second election; and these candidates shall be the ones who received the highest number of votes but who were not elected at the first election. The candidate or candidates for the council receiving the highest number of votes cast in the second election shall be elected, so that in the first and second elections only eight councilmen shall be elected. The councilmen so elected shall take office on the first Monday in October following the election. Each councilman shall hold office for four years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

The candidate for mayor receiving the largest number of votes for the office at the first election shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election no candidate receives a majority of the votes cast for the office of mayor at such election, then another election shall be held upon the same day

of the week two weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for the office of mayor; and candidates shall be the two who received the highest number of votes for said office at the first election.

Notwithstanding any notice requirements of any other statute or statutes concerning municipal elections, a notice published by the probate judge, with whom the certificate of adoption was filed at any time not less than twenty (20) days prior to said selection, shall be deemed sufficient notice of said election. Said notice shall, in substance, state the month, day and year of said election and the purpose for which it is called. Said notice shall further recite that the city has been divided into districts as provided under this act and state where a copy of the district division is on file. Said notice shall be published not less than one time in a newspaper published in the city, and if no newspaper is published in the city, then by posting notices in three public places within the municipality. The election of the first council shall, except as otherwise provided herein as to the call and notice of said election, the date or dates of elections and run-off elections, the qualification of the candidates and other matters specifically provided for in this act, be held and conducted, in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest federal decennial census for cities not organized under a commission form of government. All municipal officers of the city shall have the same duties and responsibilities as they have with respect to municipal elections. The call of said election by the probate judge shall be sufficient to require any municipal officer or officers to comply with their duties and responsibilities with regard to all municipal elections, including the designation of places of voting, appointment of election, officers and other matters concerning the elections. Said officer or officers shall issue any orders necessary to cause all election requirements to be met. The districts from which the seven (7) district councilmen shall be elected shall be, as near as practicable, of equal population according to the last federal decennial census. The first election of councilmen under this act shall be from the initial council districts prescribed and defined by the Center for Business and Economic Research of the University of Alabama at Tuscaloosa, or its successor with the help of computers. The plan devised by said Center for Business and Economic Research shall conform insofar as feasible with the applicable requirements of Section 7.02, Subsections (1) (a), 1 (b) and (2) of this act.

1.08. The council.—The councilmen provided for in this section shall be known collectively as the Council of the City of

..... (Name of said city to be inserted) and shall have the powers and duties hereinafter provided. The councilmen first elected shall qualify and take office in the manner hereinafter prescribed on the first day of October following the date of their election, and thereupon such city shall at that time and thereby be and become organized under the mayor-council form of government provided under this act and shall thereafter be governed by the provisions of this act.

Article II. LEGAL STATUS; FORM OF GOVERNMENT; POWERS.

2.01. Legal status. — Any such city which adopts the mayor-council form of government shall continue its existence as a body corporate under the name of "City of" "....." (inserting the name of such city). The word "city" as hereinafter used shall mean and refer to any city which has adopted the mayor-council form of government. The city shall continue as a municipal corporation, within the corporate limits as then established, and as thereafter fixed in the manner prescribed by law, subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter or hereinafter be granted to it.

2.02. Form of government.—The municipal government of any such city proceeding under this act shall be known as the "mayor-council form of government." Pursuant to the provisions and limitations of this act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as "the council," which shall enact ordinances, adopt budgets and determine policies. All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

2.03. Powers of city.—The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple and any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this state or restricted by this act, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this act shall not be

deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the Constitution of this state, it would be competent for this act specifically to enumerate.

Article III. THE COUNCIL.

3.01.—Number, election, term.—The council shall consist of seven members who shall be known as district councilmen and one member known as a councilman-at-large. Elections of councilmen shall be held at the times prescribed in this act; but such elections shall otherwise be held in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest federal decennial census for cities not organized under a commission form of government, with respect to the calling of said elections, notice of said elections, qualifications of candidates and all other matters concerning said elections. The terms of councilmen so elected shall be four years commencing on the date that they shall take office which date shall be October first following their election.

3.02 Statement of candidacy.—Any person to become a candidate in any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy and an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said City of _____, that I desire to become a candidate for the office of district councilman for the _____ district or for the office of councilman-at-large, as the case may be, in said city at the election for said office to be held on the _____ day of September next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed to and sworn to before me by said _____ on this _____ day of _____, 19 _____, and filed in this office for record on said day. _____, Judge of Probate." Said statement shall be accompanied by a qualifying fee in the amount of \$150.00, which fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed

and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For members of the council." No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth. No ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided.

3.03 Qualification.—Every person who shall be elected or appointed to the office of member of the council, shall, on or before the first day of October following his election or before the Tuesday following the date of his appointment qualify by making oath that he is eligible for said office, will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

3.04. Eligibility.—Councilmen shall be qualified electors of the city, and shall hold no other public office except that of notary public or member of the national guard or naval or military reserve. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

3.05. Compensation.—The council shall receive such per diem allowance for each meeting attended which shall be effective on such date as the council may by resolution or ordinance prescribe; provided however, that the total per diem allowance paid to each district councilman shall not exceed Four Thousand and Two Hundred Dollars (\$4,200) annually and the total per diem allowance paid to the president of the council shall not exceed Nine Thousand Six Hundred Dollars (\$9,600) annually. Such per diem allowance, and the manner in which it is to be paid shall be established by the council subject to the above limitations.

3.06. Presiding officer.—The councilman-at-large shall be president of the council and shall preside at meetings of the council. The district councilmen shall elect a president pro tem, who shall act as president of the council during the absence or disability of the president. The term of office of the president pro tem shall be until the councilmen shall qualify following the next succeeding election of councilmen. If a vacancy shall

occur in the office of president of the council, the council shall elect a successor for the completion of the unexpired term. If a vacancy occurs in the office of president pro tem, the district councilmen shall elect a successor for the completion of the unexpired term. Both the president of the council and the president pro tem shall be elected from among the councilmen.

3.07. Powers.—All powers of the city, including all powers vested in it by this act, by the laws, general and local, of the state, and by Title 62 of the Code of Alabama of 1940, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Establish administrative departments and distribute the work of divisions.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds or warrants.

(d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(e) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption by the city of the mayor-council form of government set up by this act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the city at the time of adoption by the city of the mayor-council form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the city of said mayor-council form of government the chief executive officer of the city is designated to act in any capacity ex-officio, the mayor shall act.

(f) Succeed to all the powers, rights, and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this act.

(g) Levy property and license taxes and local improvement assessments.

3.08. Council not to interfere in appointment or removals.—Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from,

office or position by the mayor or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the mayor and neither the council nor any member thereof shall give orders to any subordinates of the mayor, either publicly or privately.

3.09. Vacancies in council.—Vacancies in the council shall be filled by the council at the next regular meeting or any subsequent meeting of the council, the person so elected to hold office only until the next election of any kind in which the voters of the city to which this act applies are qualified electors, at which time said unexpired terms shall be filled by said electors in accordance with all provisions of law applicable to such city; in any event, the person elected shall hold office until his successor is elected and qualified.

3.10. Creation of new departments or offices; change of duties.—The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this act. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this act, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this act to a particular office, department or agency.

3.11. City clerk.—If the city clerk of any city which adopts the mayor-council form of government holds office subject to any civil service or merit system, such clerk shall continue to be the city clerk under the mayor-council form of government of such city, and his successor shall be selected and hold office subject to the provisions of such civil service or merit system. If the city clerk of any city which adopts the mayor-council form of government does not hold office subject to any civil service or merit system, the council shall elect the city clerk. The city clerk shall give notice of special or called meetings of the council, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this act or by ordinance, and such duties as are imposed by general law of Alabama upon city clerks and as to which other provisions are not made in this act.

3.12. Induction of council into office; meetings of council.—The first meeting of each newly elected council for induction into office, shall be held at ten o'clock in the morning on the first day of October next following its election, after which the

council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a week. All meetings of the council shall be open to the public.

3.13. Council to be judge of qualifications of its members.—The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

3.14. Rules of procedure; journal.—The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

3.15. Meetings, passage of ordinances, etc.—The council shall hold regular public meetings on Tuesday of each and every week at a regular hour to be fixed by the order of said council from time to time and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may require. The president of the council, when present, shall preside at all meetings of said council. A majority of the council members elected shall constitute a quorum for the transaction of any and every power conferred upon said council, and the affirmative vote of a majority of those members present, shall be sufficient for the passage of any resolution, by law or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this act or by law, or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature, except the proclamation of quarantine, shall be enacted except at a regular public meeting of said council or an adjournment thereof. Every ordinance introduced at any and every such meeting shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all councilmen present be unanimous, it may be so stated in the journal without recording the yeas and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded and the record of the proceedings of the meeting shall, when approved by the council, be signed by the president of the council and the city clerk. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except by unanimous consent of all members of the council present, and such unanimous

consent shall be shown by the yea and nay votes entered upon the minutes of said meeting; provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. Publication of ordinances shall be governed by Alabama Code of 1940, Title 37, Section 462, as amended. Provided all ordinances or resolutions, after having been passed by the council, shall by the clerk be transmitted within forty-eight (48) hours after their passage to the mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish them, if publication thereof is required, and such ordinances and resolutions shall thereupon become effective and have the force of law. Delivery to the office of the mayor shall constitute delivery to the mayor. An ordinance or resolution may be recalled from the mayor at any time before it has become a law, or has been acted on by him, by a resolution adopted by a majority of the members elected to the council, in regular or special session. If the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within ten (10) days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council; and if a majority of the council members present shall at said meeting adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof, if publication is required, have the force of law. If publication of said ordinance or resolution is not required, it shall take effect upon its passage over objections. The failure of the mayor to return to the city clerk an ordinance or resolution with his veto within ten (10) days after its passage by the council shall operate and have the same effect as an approval of the same, and the city clerk, if publication is required, shall publish the same as is herein provided for the publication of laws and ordinances of said city. And if no publication is required, the ordinance or resolution shall become effective upon the expiration of said ten (10) days. Anything in this section to the contrary notwithstanding, the mayor shall not have the power of veto over appointments of the council, or over any action of the council relating to an investigation as provided for in section 9.03 of Article IX.

3.16. Granting of franchises.—No resolution or ordinance, granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public ways of any city organized under the provisions of this

act, either in, under, along, through, or over same shall take effect and be enforced until thirty days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution for ordinance or during the time intervening between its final passage, and the expiration of thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said council, object to such grant, and if during such period such written petition or petitions signed by at least five percent (5%) of the legally qualified voters of the city shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the city or other body or official charged with the duty of conducting elections therein, at which election the legally qualified voters of said city shall vote for or against the proposed grant set forth in the said resolution or ordinance. In the call for said election, the said resolution or ordinance making such grant shall be published at length and in full at the expense of the city in at least two newspapers published in said city by one publication. If a majority of the votes cast at such election shall be against the passage of said resolution or ordinance, then and in those events, said resolution or ordinance shall not become effective nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall not become effective, then it shall be the duty of said council, after the results of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right, in, under, upon, along, through, or over the streets, public highways, thoroughfares or public ways of any such city, shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the council at some regular or adjourned regular meeting and published as above provided for in this act; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of this subsection shall not apply to the grant of side track or switching privileges to any railroad for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse.

3.17. Codification authorized.—The council may provide at any time it may deem proper, for the revision and codification of its ordinances, by-laws, and permanent resolution, or for the adoption of a code or codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions which relate to, affect or purport to govern any particular subject or subjects or subdivision of municipal legislation. The council shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer of officers of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the council for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The council may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading the same on the minutes; and the council may prescribe the manner in which copies of such code or codes, revisions, or amendments thereto, may be officially certified for use by the inhabitants or by the courts. The council may adopt and provide for the maintenance in a designated office of the city of a comprehensive zone map of the city open for inspection by the public at all reasonable times, and may make such zone map a part of any ordinance by reference thereto in such ordinance and without publication of such zone map in any newspaper. Such zone map need not be in one piece but may for convenience be in sections. A zone map of territory newly added to the city shall be treated as a comprehensive zone map of the city for purposes of application of the provisions of the next preceding sentence.

3.18. Examination of books and publication of accounts.—The council shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state department of examiners of public accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made two years in succession by the same accountant.

Article IV. MAYOR.

4.01. Election; term; qualification.—The first mayor shall be elected at the same election at which the councilmen are elected under the provisions of section 1.07 of Article I of this act and shall hold office from the first day of October following his election for a term of office of four years and until his successor is elected and qualified. The first mayor shall qualify and take office in the manner hereinafter prescribed on the first day of October following his election. The regular election for mayor shall be held on the second Tuesday in September of the year during which the term of the first mayor elected hereunder terminates and every four years thereafter. The mayor elected at any such regular election, shall on or before the first day of October following his election qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama. At any election for mayor the candidate receiving the highest number of votes for the office shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election a majority is not received by any candidate for the office of mayor, then a second election shall be held on the same day of the week, two weeks thereafter in the same mode and manner and under the same rules and regulations provided in section 1.07 of Article I hereof with respect to the election of the first mayor.

4.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said city of _____ that I desire to become a candidate for the office of mayor in said city at the election for said office to be held on the _____ day of September next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19 _____, and filed in this office for record on said day,

....., Judge of Probate." Said statement shall be accompanied by a qualifying fee in an amount equal to \$300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city. At every such election ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For Mayor." No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provision as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nominations of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided.

4.03. Eligibility.—The mayor shall be a qualified elector of the city, and shall hold no other public office.

4.04. Compensation.—The mayor shall receive an annual salary of Twenty Five Thousand Dollars (\$25,000.00) payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the mayor shall hold office at the rate thus provided.

4.05. Vacancy in office of mayor.—Whenever a vacancy in the office of mayor shall occur by reason of death, resignation, removal or any other cause, the president of the council shall assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a new mayor is elected and qualified as hereinafter provided. The acting mayor shall receive no compensation, expenses or allowances as a councilman while acting as mayor, but he will receive the same rate of pay and allowances provided for the mayor whose vacated office he fills, and the compensation received for days of service as acting mayor shall not be counted in determining the maximum annual per diem compensation permitted council members. While the president of the council is serving as acting mayor he shall not sit with the council or vote on any matters before the council. The election commission of the city, if there be one, and if not then the council thereof, shall within five days of the occurrence of a vacancy in the office of the mayor call a special election to fill such vacancy, such election to be held on a Tuesday not less than thirty (30) days and not more than forty-five days from the occurrence

of such vacancy; provided, however, if a regular or special election is scheduled or required to be held within ninety (90) days after the occurrence of such vacancy but more than thirty (30) days after such occurrence, then the vacancy in the office of mayor will be filled at such regular or special election. Notice of such election shall be given at the expense of the city by one publication at least eighteen (18) days in advance of the same in one or more newspapers published in such city. The method, procedure and requirements of qualifying, voting upon and determining the successful candidate shall be same as is provided herein relative to the election of the mayor at regular elections, except that statements of candidacy must be filed at least (20) days before the date set for such election. The successor to the mayor chosen at any such election shall qualify for office as soon as practical thereafter, and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification and shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified.

4.06. Powers and duties.—The mayor shall be the head of the administrative branch of the city government. He shall not sit with the council nor shall he have a vote in its proceedings except when there is a tie-vote on a matter, and in such case he must vote, and he shall have the power and duties herein conferred. He shall be responsible for the proper administration of all affairs of the city and, subject to the provisions of any civil service or merit system law applicable to such city and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all laws and ordinances;

(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this act and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office; provided that the mayor shall not appoint or remove officers and employees of:

(a) Any library board of the city;

(b) Any board of the city having control over any park, recreation facility, fair or exhibit;

(c) Any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under a board constituted by law or required by the terms of any indenture, mortgage or deed of trust providing for employment by other authority;

(d) Any school board of the city;

(e) Any planning board or zoning board of the city;

(3) Exercise administrative supervision and control over all departments created by this act or by law or hereafter created by the council except those enumerated in items (a) to (e) inclusive of paragraph (2) of this section and except those otherwise given independent status under this act.

(4) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year.

(5) Recommend to the council such actions as he may deem desirable.

(6) Prepare and submit to the council such reports as may be required of him.

(7) Perform such other duties as may be prescribed by this act.

(8) Fix the salaries or compensation of all officers and employees of the city who are appointable by him, subject, however, to the provisions of any civil service or merit law applicable to the city.

4.07. Administrative departments.—There shall be a department of finance, and such other departments as may be established by ordinance upon the recommendation of the mayor.

4.08. Directors of departments.—At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the mayor. Two or more departments may be headed by the same individual, the mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

4.09. Departmental divisions.—The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the mayor. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the mayor among specific divisions thereof, the mayor may establish temporary divisions.

Article V. BUDGET.

5.01. Fiscal year.—The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in

this act, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

5.02. Submission of budgets.—On a day to be fixed by the council but in no case later than the 20th day of August in each year, the mayor shall submit to the council:

(a) A separate current revenue and expense budget for the general operation of the city government, to be known as the "general fund budget";

(b) A budget for each public utility owned and operated by such city;

(c) A capital budget; and

(d) A budget message.

When submitting the budgets to the council, the mayor shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose.

5.03. Preparation of budgets.—It shall be the duty of the head of each department, and each other office or agency supported in whole or in part by the city, to file with the director of finance, at such time as the mayor may prescribe, estimates of revenue and expenditure for that department, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, office or agency, to supply all the information which the director of finance may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be required by the mayor in the preparation of the budgets. The mayor shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the state of Alabama and any municipal ordinance relating to obligatory expenditures for any purpose.

5.04. Scope of general fund budget.—The general fund budget shall include only the net amounts estimated to be received from or to be appropriated to each public utility. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedure and techniques and shall show:

(a) Such portion of the general fund cash surplus as it

is estimated will exist, at the end of the current fiscal year, and is proposed to be used for meeting expenditures in the general fund budget for the ensuing year;

(b) An estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the percentage of the levy collected be no greater than the average percentage of the levy collected in the last three completed tax years;

(c) An estimate of receipts from all other sources of revenue, provided that the estimated receipts from each such source shall not exceed the percentage of estimated revenue in the current fiscal year from the same source, over the amount of the revenue received from the same source, in the last completed fiscal year, unless a law or ordinance under which revenue from any source is derived, has been amended or a new source of revenue has been provided by law or ordinance, in the course of the current year, in which case the estimated receipts from that source may be fixed by the mayor. If additional revenue is to be derived from the state, the amount fixed by the mayor shall not exceed the amount which the proper state official shall certify in writing to be the reasonable expectation of receipts from such source;

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year;

(e) An estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by law to be budgeted for the ensuing fiscal year;

(f) An estimate of expenditures and appropriations for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year, in comparison with the estimated receipts and recommended expenditures for the ensuing fiscal year.

5.05. A balanced budget.—In no event shall the expenditures recommended by the mayor in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in Section 5.04, unless the mayor shall recommend an increase in or levy of new or increased, taxes or license within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three full tax years last past, will make up the difference. If esti-

mated receipts exceed estimated expenditures, the mayor may recommend revisions in the tax license ordinances of the city in order to bring the general fund budget into balance. The same balanced budget restrictions shall apply in the adoption of any public utility budget.

5.06. The budget message.—The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year and a summary of the proposed budget showing comparisons similar to those required by Section 5.04 above.

5.07 Availability of budgets for inspection and publication of the budget message.—The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council, and sufficient copies of the proposed general fund, public utility and capital budgets to be made, to supply copies to each member of the council and each daily newspaper of general circulation published in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

5.08. Publication of notice of public hearing.—At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after the date of publication, at which the council will hold a public hearing. Publication shall be made at least once in a daily newspaper published and of general circulation in the city. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which any citizen of the city shall be given an opportunity to be heard, for or against the estimates or any item thereof.

5.09 Action by the council on the general fund budget.—After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no time of expenditure for debt service, or any other item required to be included by this act or other provision of law, shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors and it shall

not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation published in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceed the receipts and available surplus, estimated as provided in Section 5.04 of this act, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in Section 5.02 and 5.05 of the act, sufficient to make up the difference.

5.10 Adoption of general fund budget.—Not later than the 20th day of September of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this act.

5.11. Effective date of budget; certification; copies made available.—Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget as finally adopted, shall be certified by the mayor and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of citizens of the city who request a copy.

5.12. Utility budgets.—Separate budget estimates for any public utilities owned and operated by the city shall be submitted to the director of finance at the same time as the budget estimates of other departments, and in the form prescribed by the director of finance. The mayor shall prepare and present to the council a budget for the utility operation, itemizing the receipts and expenditures in manner and form as is generally provided for in Section 5.04 of this act as being applicable to the general fund budget. The action of the council on any utility budget thus submitted shall be governed by the same provision as provided in this act with reference to the consideration and adoption of the general fund budget.

5.13. Work plan and allotments.—After the current expense budgets have been adopted and before the beginning of the fiscal year the head of each department, office, and agency,

shall submit to the mayor in such form as he shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as he shall determine, the allotments for each such department, office, or agency, and shall file the same with the director of finance who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments, provided that such allotments shall be in conformity with the salaries established by ordinance, the provisions of any merit or civil service system applicable to such city, the laws or the state of Alabama and any municipal ordinances of such city, relating to obligatory expenditures for any purpose. The aggregate of such allotments shall not exceed the total appropriation available to each such department, office or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts and cash surplus, he shall reconsider the work programs and allotments of the departments, offices, and agencies, and subject to the laws of the state of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the allotments, however, there shall be no reduction in salaries except by order of the council, or as authorized by law.

5.14. Transfers of appropriations.—The mayor may at any time authorize, at the request of any department, office, or agency, the transfer of any unencumbered balance or portion thereof in any general fund or utility appropriation from one classification of expenditure to another within the same department, office, or agency, provided that for this purpose the water, gas and electric utilities shall be deemed to be separate departments. At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, office or agency to another.

5.15. Additional appropriations.—Appropriations in addition to those contained in the original general fund budget ordinance, may be made by the council by not less than five affirmative votes, but only on the recommendation of the mayor and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. Additional

appropriations may be made by the council, by not less than five affirmative votes, from the funds of any utility for the operation of that utility, but only if the director of finance certifies in writing that there is available in the funds of the utility, a sum unencumbered and unappropriated sufficient to meet such appropriation.

5.16. Emergency appropriations.—At any time in any budget year, the council may, pursuant to this section, make emergency appropriation to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation may be made by the affirmative votes by a majority of the council members present, but only on the recommendation of the mayor. The total amount of all emergency appropriations made in any budget year shall not exceed five per centum of the total general fund operating appropriations made in the budget for that year.

5.17. Appropriations to lapse.—Any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year, shall lapse.

5.18. Capital budget.—At the same time that he submits the general fund budget, the mayor shall submit to the council a capital improvement program covering all recommended capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by affirmative votes by a majority of members present, the program previously adopted by it, or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor, and further, provided such additional funds are available in the general fund or in any other fund of the city available therefor. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriations for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years lapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and if there be no such indebtedness the funds shall be available for appropriation.

5.19. Certification of funds; penalties for violation.—No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made and no payment shall be made from an obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (3) of Section 6.04 of Article VI of this act. Every expenditure or obligation authorized or incurred in violation of the provisions of this act shall be void. Every payment made in violation of the provisions of this act shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board, or employee of the city, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this act or knowingly take part therein such action shall be cause for his removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transaction will reasonably require the making of such contracts.

5.20. Reserve for permanent public improvements.—The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. Appropriation from the said fund shall be made only to finance improvements included in the capital budget.

5.21. Budget continuation.—Any officially adopted budget in existence at the time that the council is first organized, shall continue in force and effect during the balance of the city's then fiscal year, or until such time as the mayor may submit to the council and the council adopts, an amended, altered or revised budget for the balance of said fiscal year.

5.22. Budget summary.—At the head of the budget there shall appear a summary of the budget which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, kinds of expenditures itemized according to departments, doing so in such a manner as to present to the taxpayer a

simple and clear summary of the detailed estimates of the budget.

Article VI. DEPARTMENT OF FINANCE.

6.01. Director of finance; appointment.—There shall be a department of finance, the head of which shall be the director of finance, who shall be appointed by the mayor, subject to the provisions of any merit or civil service system which is applicable to such city. He shall be the chief financial officer of the city. The chief financial officer of any city which adopts the mayor-council form of government who holds office under any civil service or merit system applicable to such city shall be the first director of finance under the mayor-council form of government.

6.02. Same: qualifications.—The director of finance shall be a person skilled in municipal accounting, taxation and financial control.

6.03. Same; surety bond.—The director of finance shall provide a bond with such surety and in such amount as the council may require by resolution or ordinance. The premium on said bond shall be paid by the city.

6.04. Same; powers and duties.—The director of finance shall have general management and control of the several divisions and units of the department of finance. He shall have charge, subject to the direction and control of the mayor, of the administration of the financial affairs of the city, and to that end shall have the authority and be required to:

(a) Cooperate with the mayor in compiling estimates for the general fund, public utility, and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Prescribe and install systems of accounts for all departments, offices and agencies of the city and provide instructions for their use; and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices and agencies of the city.

(d) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, offices and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under his control.

(e) Examine all contracts, purchase orders and other

documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials, or equipment of such sum, within the current allotment of such appropriation as he may deem necessary during a period of not to exceed the ensuing three calendar months for the purchase of items not to exceed in cost fifty dollars for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the director of finance endorsed thereon, but each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified shall exceed the amount of such authorization, shall be valid.

(f) Have custody of all public funds belonging to or under control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution or ordinance of the council, or if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. He shall not be liable for any loss sustained as to the funds of the city which are on deposit in such a designated bank.

(g) Audit and approve before payment, all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the department of law, determine the regularity, legality and correctness of such claims, demands or charges.

(h) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this act or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(i) Have supervision over the preparation of bond ordinances, bonds, advertisements for sale of bonds, preparation of bond prospectuses, conduct of sale of bonds, and delivery of bonds, all subject to provisions of law and municipal ordinances,

applicable thereto. Bonds shall be authenticated by the manual signature of the director of finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be attached to the bond and shall be authenticated by the facsimile signature of the director of finance.

(j) Supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor.

(k) Submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing reasonable detail the revenues received by the city during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumulated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of said items with the budget estimates.

(l) Furnish to the head of each department, office and agency of the city a copy of that portion of the statement as required in item (k) of this section, as same is related to his department, office or agency.

(m) Prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(n) Designate, with the approval of the mayor, and subject to the provisions of any merit or civil service system applicable to such city, an employee of the department of finance as deputy director of finance who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance.

(o) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(p) Collect all special assessments, license fees and other revenues of the city for whose collection the city is responsible and receive all money receivable by the city from the county,

state or federal government, or from any court, or from any office, department or agency of the city.

(q) With approval of the mayor to inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

(r) Supervise through the division of purchases as provided for in Section 6.07 of this act, and be responsible for purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

6.05. When contracts and expenditures prohibited.—No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this act. Any contract, verbal or written, made in violation of this act shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof shall be punishable as in case of misdemeanor conviction and shall also cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

6.06. Fees shall be paid to city government.—All fees received by any officer or employee of the city, shall belong to the city government and shall be paid daily to the department of finance.

6.07. Division of purchases.—There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by resolution or ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;

(2) Inspect or supervise the inspection of all deliveries, of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

(3) Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment;

(5) Perform such other duties as may be imposed upon him by resolution or ordinance.

6.08. Competitive bidding.—Before the purchasing agent makes any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by resolution or ordinance, provided, however, that the council shall not except individual contracts, purchases, or sales from the requirement of competitive bidding.

6.09. Contracts for city improvements.—Any city improvement costing more than \$2,000 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$2,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by resolution or ordinance, provided the mayor shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the mayor.

6.10. Accounting control of purchases.—All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

6.11. Borrowing in anticipation of revenues.—In any budget year, in anticipation of the collection or receipt of revenues of the budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "revenue note for the

year 19____ (stating the budget year).” Such notes may be renewed from time to time; but all such notes, together with the renewals thereof, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes have been issued. Such borrowing shall be subject to any limitation on amount provided by statute.

6.12. Borrowing to meet emergency appropriations.—In the absence of unappropriated available revenues to meet emergency appropriations under the provision of Section 5.16 of Article V, the council may by resolution authorize the issuance of notes, each of which shall be designated “emergency note” and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

6.13. Notes redeemable prior to maturity.—No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

6.14. Sale of notes; report of sale.—All notes issued pursuant to this act may be sold at not less than par and accrued interest at private sale without previous advertisement.

Article VII. COUNCIL DISTRICTS.

7.01. Number established.—There shall be established seven (7) council districts to be designated respectively as district number 1, district number 2, district number 3, district number 4, district number 5, district number 6, and district number 7, each of which shall have as nearly as is reasonable, the same population. The designation and boundaries of the initial council districts shall be as prescribed and defined in the district plan prepared by the center for Business and Economic Research of the University of Alabama with the help of computers, copies of which are are file in the probate office of the county and in the office of the city clerk of the city adopting this mayor-council form of government.

7.02. Reapportionment.—Whenever there shall be a change in population in any of the seven districts heretofore established, evidenced by a federal census of population published following the last federal census of population preceding the adoption of this act, or by virtue of a change in the corporate limits, which increases or decreases the population of any district by as much as 25%, there shall be reapportionment of teh council districts in the manner hereinafter provided:

(1) The mayor shall within six months after the the publication of each federal census of population for the city, fol-

lowing the last federal census of population preceding the adoption of this act, or if within six months after there shall have been a change in the corporate limits of the city, which has increased or decreased the population of any district by as much as 25%, file with the council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

(a) Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets, or other well-defined boundaries, such as rights-of-way for public utilities, rivers, streams, section, township or range lines or other lines defined in the official United States government survey of the area or other well-marked lines as shown on a district plan prepared by the Center for Business and Economic Research of the University of Alabama with the help of computers.

(b) Each district shall contain as nearly as is reasonable the same population.

(2) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance and considered by the council as other ordinances are considered. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

(3) The council shall enact a redistricting ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the mayor shall become effective without enactment by the council, as if it were a duly enacted ordinance.

(4) Such redistricting ordinance shall not apply to any primary or regular or special election held within six months after its becoming effective. No incumbent councilman or member of the board or commission shall be deprived of his unexpired term of office because of such redistricting.

Article VIII. SUCCESSION IN GOVERNMENT.

8.01. Rights of officers and employees preserved.—Nothing in this act contained, except as specifically provided, shall effect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this act shall take effect, or any provision of law in force at the time when the mayor-council form of government shall be adopted and not inconsistent with the provisions of this act, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or

privileges of officers or employees of the city or any office, department or agency thereof.

8.02. Continuance of present officers.—All persons holding administrative office at the time the mayor-council form of government is adopted shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state shall, if such office, department or agency, be abolished by this act or under its authority, be thereafter exercised and discharged by the office department or agency designated by the council unless otherwise provided herein.

8.03. Status of officers and employees holding positions when the mayor-council form of government is adopted.—Any person holding an office or position in the classified service of the city under any civil service or merit system applicable to the city when the mayor-council form of government shall be adopted shall be continued as such officer or employee in the classified service of the city under the mayor-council form of government and with the same status, rights and privileges and subject to the same conditions under such applicable civil service or merit system as if the mayor-council form of government had not been adopted.

8.04. Transfer of records and property.—All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this act, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this act assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

8.05. Continuity of offices, departments or agencies.—Any office, department or agency provided for in this act with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and, until otherwise provided, shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and, until otherwise provided, shall have power to continue any business, proceeding or other matter

within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this act, apply to such office, department or agency provided for by this act.

8.06. Continuance of contracts and public improvements.—All contracts entered into by the city, or for its benefit, prior to the adoption by such city of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the adoption of the mayor-council form of government may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

8.07. Pending actions and proceedings.—No action or proceeding, civil or criminal, pending at the time of the adoption of the mayor-council form of government, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of the mayor-council form of government or by anything contained in this act; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this act be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this act.

8.08. Pension and relief funds.—All laws and parts of laws relating to pension, retirement and relief funds for policemen, firemen and other employees of the city, contained in the general or local laws of the state or in Title 62 of the Code of Alabama, as amended and supplemented, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder, after adoption of the mayor-council form of government by such city.

8.09. Park, play ground and fairground authority.—All laws and parts of laws relating to establishment of an authority for fairgrounds, parks, exhibits, exhibitions and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of a city, and for the powers, authority, mode of financing and conduct of the same, contained in the general or local laws of the state

or in Title 62 of the Code of Alabama, as amended and supplemented, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to the establishment or conduct of any authority created thereunder, after adoption of the mayor-council form of government by such city.

8.10. When provisions take effect.—For the purpose of nominating and electing members of the council and the mayor, the provisions of this act shall become applicable to any city adopting the mayor-council form of government upon the filing of the certificate of adoption by the judge of probate with the mayor or other chief executive office of the city as provided for in section 1.06 of Article I hereof. For all other purposes the provisions of this act shall become applicable to said city at the time when the first council of such city elected under the provisions hereof takes office and qualifies.

8.11. Continuance of ordinances and resolution.—All ordinances and resolutions of the city in effect at the time of adoption by the city of the mayor-council form of government herein set up shall continue in effect unless and until changed or repealed by the council.

Article IX. GENERAL PROVISIONS.

9.01. Removal of officers and employees.—Subject to the provisions of any civil service or merit system applicable to the city, any officer or employee to whom the mayor, or a head of any office, department or agency, may appoint a successor, may be removed by the mayor or other appointing officer at any time, and the decision of the mayor, or other appointing officer, shall be subject to appeals therefrom, if any provided by applicable law.

9.02. Right of mayor and other officers in council.—The mayor, the heads of all departments, and such other officers of the city as may be designated by the council, shall be entitled to attend meetings of the council. The mayor shall have the right to take part in the discussion of all matters coming before the council, but shall not be entitled to vote, except in case of a tie, in which event he must break the tie. Department heads and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies, but shall have no vote therein.

9.03. Investigations by council or mayor.—The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investiga-

tions as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed six months, or both.

9.04. Contracts extending beyond one year.—No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by resolution or ordinance.

9.05. Publicity of records.—All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

9.06. Officers and employees not to be privately interested in city's contracts.—No member of the council, the mayor, officer or employee elected or appointed shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such member of the council, the mayor, officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such member of the council, officer or employee of such city shall be interested in or an employee or attorney of any corporation operating any public service utility within said city. No such member of the council, officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon con-

viction thereof, the guilty person shall be punished by a fine or not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be voidable by the mayor or the council. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty; nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

9.07. Official bonds.—The director of finance, and such other officers or employees as the council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

9.08. Oath of office.—Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

“I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Alabama, that I will, in all respects, observe the provisions of the ordinances of the city of _____, and will faithfully discharge the duties of the office _____.”

Article X. ABANDONMENT OF MAYOR-COUNCIL FORM OF GOVERNMENT.

10.01. Generally.—No city may change from the mayor-council form of government within two years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government, either to:

(a) The form of municipal government applicable to the city prior to its adoption of the mayor-council form of government.

(b) The council-manager form of municipal government provided such enabling legislation has been enacted.

(c) One of the commission forms of municipal government provided by Title 37, Alabama Code of 1940, as amended and supplemented.

10.02. Petition for change of form of government.—Such change shall, however, first be initiated by petition and submitted to a vote of the qualified electors at an election and

shall receive at such election a majority of the votes "yes" or in favor thereof in the same manner and subject to the same requirements as provided in sections 1.02 to 1.05 of Article I of this act except that the proposition on the ballot shall be changed to reflect the proposed form of municipal government to be submitted to the vote of the qualified electors. The officers and members of the governing body of such newly adopted form of municipal government shall be elected as soon as may be under the provisions of law applicable thereto; and upon their election and qualification for office the term of office of all members of the council under the mayor-council form of government shall terminate.

10.03. No election on change more often than two years.—No election on the abandonment of the mayor-council form of government shall be held within two years after any other election thereon.

Article XI. GENERAL STATUTORY PROVISIONS.

11.01. Effect of act on existing law.—All laws and parts of laws, general, local or special, relating to or affecting the city, its powers, functions, duties and property, in force when this act shall take effect, are hereby continued in effect; but all such laws relating to the exercise of powers, functions and duties by the commission or council-manager or some other form of government shall be superseded to the extent that the same are inconsistent with the provisions of this act.

11.02. Separability clause.—If any section or part of a section of this act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this act nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such holding shall directly apply.

11.03. Short title.—This act shall be known and may be cited as the "Mayor-Council Act of 1977."

11.04. Effective date.—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 16, 1977.

Time: 4:40 P.M.

Act No. 121

S.J.R. 266—Owen

SENATE JOINT RESOLUTION

WHEREAS, The State of Alabama is privileged to have as its guest on Thursday, March 3, 1977, the distinguished Admiral James L. Holloway, III, United States Chief of Naval Operations; and

WHEREAS, The Legislature of Alabama will benefit greatly from the remarks and counsel of the Admiral with regard to the current military capability of the Nation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Senate and House of Representatives respectfully welcome Admiral Holloway to address its full membership in a joint session on Thursday, March 3, 1977, at 2:00 p.m.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 122

S.J.R. 267—Mitchell

SENATE JOINT RESOLUTION

TO NAME THE NATIONAL GUARD ARMORY TO BE CONSTRUCTED IN LUVERNE, ALABAMA, "FORT JAMES DOUGLAS FINLAY"

WHEREAS, Lt. Colonel James Douglas Finlay, who died on May 29, 1965, came from a distinguished military family with both his paternal and maternal grandfathers having served in the Confederate States Army, and two brothers in the United States Navy during World War I, one of whom served in the Navy over twenty years; and

WHEREAS, Colonel Finlay, himself, served for more than 21 years with both the National Guard and, actively, with the United States Army between 1922 and 1945; and

WHEREAS, his association with the National Guard began with his enlistment in 1922; he was commissioned in 1927 and continued to serve until February, 1941, at which time he was called to active duty, serving with distinction until his release from service with the rank of Lt. Colonel; and

WHEREAS, Colonel Finlay was well qualified as a commanding officer, in which capacities he served, having attended

Artillery School at Fort Sill, Oklahoma and Coast Artillery School at Fort Monroe, Virginia; his battles and campaigns authorized for him bronze stars for the East Indies, the PAPVAN and the New Guinea Campaigns, while his decorations and citations included the Asiatic Pacific Theater Ribbon and Medal, the American Theater Medal, the American Defense Service Ribbon and Medal, and the Distinguished Unit Badge; and

WHEREAS, the National Guard Unit which he commanded and served so well held their annual reunion on February 12, 1977, and those present voted unanimously to express their desire that the new National Guard Armory in Luverne be named in honor of James Douglas Finlay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the National Guard Armory to be constructed on Glenwood Road in Luverne, Alabama, "Fort James Douglas Finlay," and direct the Armory Commission to cause appropriate signs and markers to be erected and maintained in so designating said National Guard Armory.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 123

S. 94—Jones

AN ACT

Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department. ,

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In counties to which this act applies nothing in Section 85 of Title 22 of the Code of Alabama 1940, Recompiled 1958, as last amended, or in any rule or regulation promulgated thereunder, shall be interpreted to prevent any individual person, who sells solely at a farmer's market or farmer's curb market, or any church, religious organizational group, or any civic group or organization from selling homebaked or

homemade goods without obtaining any permit or license from or being subject to the rules or regulations of the health department of this state or any county or municipality thereof, so long as such goods carry a label or tag with the following words written or printed thereon: "Homebaked Goods—Not Inspected by the Health Department" or "Homemade Goods—Not Inspected by the Health Department."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 124

S. 244—Little

AN ACT

To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of counties having a population of not less than 17,000 nor more than 20,000 according to the 1970 or any subsequent federal decennial census are authorized to establish the position of deputy coroner and, in their sole discretion, to set and pay from the county general fund the salary and any reasonable expense allowance commensurate with the duties and responsibilities of the person filling such office.

Section 2. The deputy coroner shall serve in the absence of the coroner, during periods when the coroner may be incapacitated or when assistance of a deputy coroner is otherwise needed. When called upon to serve by the county governing body or the coroner, the deputy coroner shall have the same legal authority and responsibility as the coroner.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 125

S. 406—Mitchell, Powell

AN ACT

Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Crenshaw County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this act shall be retroactive to April 1, 1973, and all actions taken by the sheriff in accordance with the provisions of this act are hereby validated and confirmed.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 126

S. 408—Mitchell, Powell

AN ACT

Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. The Crenshaw County Commission, or other like governing body, is hereby authorized to employ such clerks, secretaries, and clerical assistants as are needed to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County, Alabama. All such employees shall have their salaries determined by the County Com-

mission to be paid in equal monthly installments from any funds available in the County Treasury, upon warrants drawn upon the County Treasury in the manner prescribed by law.

Section 2. The Crenshaw County Commission, or other like governing body, is hereby authorized to pay the salaries, or any portion thereof, of existing and future clerks, secretaries, and clerical assistants employed by the Judge of Probate and by the Sheriff and who are performing duties in the Office of the Judge of Probate of Crenshaw County and in the Office of Sheriff of Crenshaw County respectively. The County Commission shall determine the portion of such salaries to be paid by the County Commission, and the same shall be paid in equal monthly installments from any funds available in the County Treasury upon warrants drawn upon the County Treasury in the manner prescribed by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of law which conflict with this act are hereby repealed.

Section 5. This act shall become effective retroactively to October 1, 1973 immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 127

S.J.R. 246—McMillan

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

WHEREAS, Joseph T. Priester, Sr., of Florence, died suddenly on September 14, 1976, at age 51; and

WHEREAS, Mr. Priester, a member of the Highland Baptist Church and the Florence Rotary Club, owned three restaurants in the Florence area and in Tennessee; and

WHEREAS, He was a dedicated and involved member of the ATO fraternity and was instrumental in organizing the ATO Chapter at the University of North Alabama; and

WHEREAS, Joe Priester was a devoted husband and father; although his restaurants kept him on the road con-

stantly, he created as much time as possible to be with his wife, the former Ann Roberts, and his three children, Jan, Jim, and Joe, Jr.; and

WHEREAS, Mr. Priester was highly respected in his profession, his church and his community; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we recognize the exemplary Christian life of Joseph T. Priester and give thanks for his inspiration to his friends and colleagues;

BE IT FURTHER RESOLVED, That our deepest sympathy is extended to his bereaved family, to whom copies of this resolution will be sent.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 128

S.J.R. 260—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WAYNE M. LOWE

WHEREAS, the Legislature of Alabama has noted with deep regret the death of Mr. Wayne Marshall Lowe on Monday, January 31, 1977, in Gadsden, Alabama; and

WHEREAS, Mr. Lowe was a native of DeKalb County and a resident of Etowah County for a number of years, a veteran of World War II, and was a retired car dealer in his community; and

WHEREAS, he was a member of the Cherry Street Baptist Church and the American Legion Post No. 71 and was a respected member of his community who was devoted to his family and known for his willingness to help others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Wayne Marshall Lowe and extend our heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Mavis Traylor Lowe, and his family to make evident to them the sense of loss we feel.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 129

S.J.R. 261—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MELVIN CAMP KILPATRICK

WHEREAS, the Legislature of Alabama regretfully has been informed of the death of Mr. Melvin Camp Kilpatrick of Gadsden on Tuesday, February 22, 1977, in Birmingham, Alabama; and

WHEREAS, Mr. Kilpatrick was a native and lifelong resident of Etowah County who was retired at the time of his death, after thirty years of service with the Alabama Farm Bureau Insurance Company;

WHEREAS, he was actively and deeply involved in the religious, civic and business affairs of his community through membership in Bellevue Baptist Church, as a member of the Walnut Grove Masonic Lodge, on the Board of Directors of the First State Bank of Altoona and the Board of Directors of the Etowah County Farm Bureau; and

WHEREAS, Mr. Kilpatrick will be deeply and sadly missed by all who were privileged to know him and long remembered by them as a man of uncommon ability who devoted much of his time and energy to fulfilling the needs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Melvin Camp Kilpatrick and express our sincere sympathy to his widow, Mrs. Maudie Roberts Kilpatrick, to his daughter, Mrs. Edwina Cooper of Gadsden, and other family members to whom copies of this resolution shall be sent.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 130

S.J.R. 263—Waldrop

SENATE JOINT RESOLUTION

HONORING MACK GARRETT FOR OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

WHEREAS, Mack Garrett, considered by many to be a legend in his own time, is Sheriff of Cherokee County, has been in office for more than thirty years, and was once honored as

the Dean of Alabama Sheriffs to show appreciation for his dedication and long tenure; and

WHEREAS, Sheriff Garrett, who also is a past president of the Alabama Sheriffs' Association and of the Alabama Peace Officers' Association, is known and highly praised statewide for his remarkable feats of law enforcement, the apprehension of dangerous criminals, and for solving crimes, many of which have baffled the "experts;" and

WHEREAS, This 6' 3" 235-pound law officer is considered to be fearless by all who know him, and has gained the respect and admiration of the citizens of Cherokee County, his fellow sheriffs and other law enforcement officers throughout the entire state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Sheriff Mack Garrett for outstanding service and for his diligence, dedication and singularity of purpose in crime prevention and control, and in bringing criminals to justice, thereby protecting the citizens of his county and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Garrett that he may know of our esteem.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 131

S.J.R. 262—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ERVIN A. PHILLIPS

WHEREAS, the Alabama Legislature was deeply saddened to learn of the death of Mr. Ervin A. Phillips on Tuesday, February 1, 1977, in Gadsden, Alabama; and

WHEREAS, Mr. Phillips was a native and lifelong resident of Gadsden, a veteran of World War II, and was associated with Phillips Supply Company, Modern Table, Incorporated and National Equipment Company, thereby contributing greatly to the business and economic viability of his community and area; and

WHEREAS, further he was involved deeply in other areas through active participation as member and deacon of the First Baptist Church of Gadsden, and through membership in Masonic Lodge No. 236 F and AM and the Zamora Temple; and

WHEREAS, Mr. Phillips was a contributing citizen of great ability, and of complete and unquestioned integrity, who will be sorely missed by his family, associates and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of Ervin A. Phillips and extend our sincere sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. May Emma Phillips, and family that they may know of our regret.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 132

S.J.R. 264—Waldrop

SENATE JOINT RESOLUTION

Commending Joseph Faulkner, Community Service Award Recipient

WHEREAS, The Legislature of Alabama has noted that Joseph Faulkner of Gadsden, Alabama was the recent recipient of the first annual Community Service Award presented by the Etowah County Council of Community Services which was presented to him by Ray Crowder, council president, citing Faulkner for his work in bringing about "the smooth transition from segregation to integration in the community and for his active role in beneficial organizations and agencies;" and

WHEREAS, Joseph Faulkner, who is executive director of the Etowah County Chapter, NAACP, is active also in the Boy's Club, the new Runaway House for boys, the Fellowship House, and the proposed Halfway House for female alcoholics planned by the Regional Alcoholism Council; and

WHEREAS, he was cited further for his work with the CED Mental Health Center, the Etowah County Mental Health Association, the Gadsden Labor Council, the Head Start Program, the Red Cross, Downtown Action Council, ANCHOR referral agency and the RSVP Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and honor Joseph Faulkner for outstanding community service and for having received the first annual award of the Etowah County Council of Community Services.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Faulkner as a token of our esteem.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 133

S.J.R. 265—Waldrop

SENATE JOINT RESOLUTION

COMMENDING THE WESTMINSTER CHRISTIAN HIGH SCHOOL BASKETBALL TEAM FOR THEIR CHAMPIONSHIP VICTORY.

WHEREAS, the Westminster Crusaders captured the sixth annual John Brown University National Christian Basketball tournament, February 18, 1977, in Siloam Springs, Arkansas, with a 46-42 triumph over defending champions, Oak Haven of Memphis, Tennessee; and

WHEREAS, the entire team of Westminster Christian High School of Gadsden, Alabama, played brilliantly, "the best we have all year," according to Head Coach Lavan Parker, leading all the way through the third quarter, to fall behind early in the fourth quarter, but came back and regained the lead for good with 2:51 to play; and

WHEREAS, Coach Parker is due much credit for the high degree of technical skill displayed by his team, both the offense and the defense, and for their fine spirit and will to win which is necessary for a championship team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Westminster Christian High School basketball team for winning the John Brown University National Christian basketball tournament, and direct that copies of this resolution be sent to Head Coach Lavan Parker and to each member of the team.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 134

S.J.R. 268—Miller

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM

WHEREAS, the Andalusia High School Bulldogs, jointly with the Athens High Golden Eagles, hold the class 3A State Championship; and

WHEREAS, this past season's outstanding team merely continued the fabulous winning streak which began in 1972 for the Andalusia Bulldogs with not a single defeat in 41 straight games of regular season play; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Don Sharpe, and Assistant Coaches Gwin Burket, Felix Boswell, Richard Robertson and Tommy Eiland; also to the exceptional talent and will-to-win spirit displayed by all the players and managers, with the teams exhibiting good sportsmanship and fair play throughout every game as they continued to win graciously year after year; and

WHEREAS, much credit is further due to the support and encouragement afforded the team by their excellent cheerleaders, the Quarterback Club, their tremendous band, loyal student body and other fans; in great measure to administrative and faculty support of all Andalusia High Athletic endeavors by Superintendent Oscar Zennah, members of the Andalusia City Board of Education, Dr. Ed Richardson, Principal, and Assistant Principal Clayton Bryant; and

WHEREAS, a milestone has been reached as the graduates of this year's senior class of '77 have never seen their school team lose a regular season game since they have attended Andalusia High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Andalusia High School Football Team for their Class 3A State Championship and for their laudable record since 1972 of 41 regular season games without a loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of the coaches, and a copy to the Principal, Dr. Ed Richardson, on behalf of the team and the entire student body.

Approved March 28, 1977.

Time: 6:00 P.M.

WHEREAS, on February 27, 1977, during a hike through the woods along the Tallapoosa River in Elmore County, Alabama, Mark Payne, 15 years of age, was crossing a creek bed when he stepped into quicksand and sank to his hips; and

WHEREAS, Mark threw a rope to his companion and nephew, seven year old Jeremy Mills, and had him tie it to a tree; he was unable to pull himself free, and realizing the peril of his situation, he sent Jeremy for help; and

WHEREAS, in spite of approaching darkness, Jeremy and his seven-month old puppy, Ginny, managed to find their way through eight miles of woods along the river; they lost their way several times, yet managed to get back on the right trail, and both boy and dog arrived home soaked from crossing streams; and

WHEREAS, after the Elmore County sheriff had been notified, Jeremy led his grandfather David Payne, back to where Mark was trapped, with it taking two hours to reach him and twenty more minutes to free him from the quicksand; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of such outstanding courage and quick response rarely displayed by one of such young years, we do highly commend Jeremy Mills for bravery in helping to save the life of his uncle, Mark Payne.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jeremy as a token of our admiration and high esteem.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 136	S.J.R. 272—Edwards, Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson
-------------	---

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

WHEREAS, the Alabama legislature has noted with a sense of deep regret the death of John Leslie Doss, Sr., on February 22, 1977 in Decatur, Alabama; and

WHEREAS, Mr. Doss, who was a native of Decatur and a veteran of World War I, pioneered that city's first radio station in 1935, then known as WFMO but now, WMSL; he also operated radio stations in Tuscaloosa, Birmingham and Bessemer; and

WHEREAS, he was a Mason, a Shriner, a former member of the Decatur Kiwanis Club, and a member of Central Baptist Church, actively participating in these and many other civic, charitable and religious affairs of his community; and

WHEREAS, Mr. Doss reflected the uncommon endowments of foresight, perseverance and capacity for leadership; he was a respected businessman, was devoted to his family and will be sadly missed and remembered with love by all those who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of John Leslie Doss, Sr.; we extend our heartfelt sympathy to his wife, Mrs. Leah Doss, and son, John Leslie Doss, Jr., both of Decatur, and to the other members of his family, to whom copies of this resolution shall be sent.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 137 S.J.R. 275—Vacca, Perry, Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop, Wilson

SENATE JOINT RESOLUTION

CONGRATULATING CAPTAIN JOHN G. HENDERSON

WHEREAS, The Legislature of Alabama has learned of the selection of Captain John G. Henderson, commander of the

Department of Public Safety's Safety Education Unit, as class president by the 250 law enforcement officers attending the 108th session of the FBI National Academy in Quantico, Virginia; and

WHEREAS, Captain Henderson, a native of Pike County who is stationed in Montgomery, is a graduate of Goshen High School and Alabama Christian College, and obtained his B. S. degree in Criminal Justice and masters degree in Police Administration from Troy State University; he has a 19-year career in law enforcement and has been a Department of Public Safety member since 1959, serving previously as a patrol officer in Sylacauga and also as Alabama Police Academy instructor and Safety Education Officer in Montgomery; and

WHEREAS, a veteran of the Korean conflict, he is a graduate of the USAF Academic Instructor's course, and further is a charter member of the First United Methodist Church where he teaches Sunday School and also serves as lay speaker for the church, and is active, too, in the Masonic Lodge and Boy Scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Captain John G. Henderson for outstanding contributions to the civic and religious affairs of his community and do heartily congratulate him on his selection as class president of the 108th session of the FBI National Academy.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Captain and Mrs. Henderson and their four fine children.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 138

S.J.R. 277—McMillan, Clemon, Pearson

SENATE JOINT RESOLUTION

HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

WHEREAS, the State of Alabama is vitally interested in crime prevention and recognizes that effective crime prevention should be a cooperative effort by citizens and law enforcement officials, and wishes to recognize those who make significant contributions to successful crime prevention; and

WHEREAS, through such cooperation among citizens and law enforcement officials, the Thomas Neighborhood in the City of Birmingham has been changed from one with a high crime rate to the neighborhood with the lowest crime rate in the city; and

WHEREAS, the neighborhood leader throughout more than five years of crime prevention efforts which resulted in this success has been Mrs. Mary Julie Anderson, President of the Thomas Neighborhood Citizens Committee of Birmingham's Citizen Participation Program; and

WHEREAS, Mrs. Anderson, despite difficulties and personal sacrifices, has conscientiously and continuously given generously of her time, interest, effort and resources, including her home, to promote communication, understanding, trust and cooperation among local citizens and law enforcement officials to make crime prevention in Thomas a success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama highly commends and expresses its deep appreciation to Mrs. Mary Julie Anderson for her significant civic contributions in the area of crime prevention.

BE IT FURTHER RESOLVED, That the State of Alabama encourages others to follow the successful crime prevention example set by citizens and law enforcement officials in the Thomas Neighborhood.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Mary Julie Anderson.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 139

S.J.R. 287—Ellis, Pearson, Noonan, Gilmore,
Wilson, Goodwin, Miller,
Roberts, Bank, Mims, Stewart,
McDonald (S), Waldrop, Peden,
Baker, Fine, Perry, Owen,
Mitchell, Edwards, Little,
Shelby, McDonald (A),
Littleton, McMillan, Adams

SENATE JOINT RESOLUTION

URGING PRESIDENT CARTER TO CONTINUE THE
TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT
PROJECT.

WHEREAS, the State of Alabama has committed 35 million dollars in support of the Tennessee-Tombigbee Waterway Development Project, with the most recent commitment of 25 million dollars allocated by statewide referendum which carried in every county in our state, with 80% of the voters indicating their zealous support and backing of this most vital project; and

WHEREAS, it is projected conservatively that, upon completion and during the first year of operation, in excess of 18 million tons of coal are expected to be transported by water at a savings of \$2.00 per ton, a total of more than 36 million dollars in one year, with the resulting immediate effect of opening up greatly increased coal production at a time of such great need of energy resources by our nation; and

WHEREAS, over 1,400 persons are employed in Alabama, either in work directly related to the waterway project, or on the Tennessee-Tombigbee which flows through an area with perhaps the lowest per capita income of any in our state and which area has experienced a high rate of out-migration; both directly and indirectly, the waterway will generate 135,000 additional jobs in a four-state area within the next two decades, with the most significance in manufacturing employment, which will largely involve relatively high-wage, high-productivity kinds of occupation; and

WHEREAS, further, the Tennessee-Tombigbee Waterway is a project of national importance and concern which will have a significant effect upon a considerable portion of our country, offering the opportunity for comprehensively planned development involving many of the under-developed areas of our nation by providing the missing link in a vast inland and inter-coastal waterway system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strenuously and unanimously urge President Carter to continue the Tennessee-Tombigbee Waterway Project, a project with both immediate and tremendous impact on our state and area of the country; a project of long-lasting, far-reaching and vital importance to our entire nation; a project that is critical to both social and economic development, and one that is responsive to human needs and requirements of national significance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 140

S.J.R. 288—Wilson

SENATE JOINT RESOLUTION

DESIGNATING APRIL 6, 1977, AS LIBRARY DAY.

WHEREAS, The academic, public, school and special libraries of Alabama have long filled an essential role in meeting the educational, cultural and recreational needs of the citizens of Alabama; and

WHEREAS, The citizens of Alabama have greatly benefited from the outstanding efforts of the many individuals who have worked to provide our State with quality library service; and

WHEREAS, The Legislature of the State of Alabama deems it both fitting and proper to acknowledge publicly the contributions of libraries to the past and future development of our State; now, therefore,

BE IT REESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Wednesday, April 6, 1977, be observed as Library Day in honor of the services rendered to the people of Alabama by the librarians and libraries of our State.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 141

S.J.R. 289—Fine

SENATE JOINT RESOLUTION

RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE EFFICIENT AND INDISPENSABLE SECRETARIES DURING "SECRETARIES' WEEK" IN APRIL.

WHEREAS, The effective operation of business, government, and the professions is largely dependent upon adequate communication; and

WHEREAS, The increasing complexity of modern communications has made it necessary for today's professional secretary to acquire technical skills; and

WHEREAS, The secretary must have at ready command tact, diplomacy, increasing business and economic knowledge, and decision-making ability in the larger role the secretary performs as a member of the management team; and

WHEREAS, The significant contributions made by secretaries in business, government and the professions in our country and state have been recognized by Governor Wallace's designation of the last week in April as Secretaries Week and Wednesday, April 27, 1977, as Secretaries Day; Now therefore

BE IT RESOLVED, THAT THE LEGISLATURE, BOTH HOUSES CONCURRING, Encourage all Alabamians to recognize the efforts and accomplishments by our Secretaries which have made them truly vital silent partners in American business and public affairs.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Ms. Pat Schauer, 216 Navajo Trail, Birmingham, Chairperson, Alabama Secretary Week and President of the Birmingham Chapter of the National Secretaries Association.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 142

S.J.R. 290—McMillan

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

WHEREAS, On February 8, 1977, death claimed William R. J. Dunn, Jr., of Birmingham, at the age of 59; and

WHEREAS, Mr. Dunn, chairman of the board of Dunn Construction Company, was also chairman of the Board of Trustees of Cooper Green Hospital, and past president of both the Alabama Road Builders' Association and the Alabama Association of General Contractors, as well as having served on the boards of First Alabama Bank and Guaranty Savings and Loan Association; and

WHEREAS, He was educated at Washington and Lee University and the University of Alabama Law School; and

WHEREAS, He was the senior warden at St. Mary's Episcopal Church and was extremely active in his church, and other charitable and civic affairs; and

WHEREAS, Mr. Dunn was a man of the highest integrity, and possessed genuine and compassionate interest in others; and

WHEREAS, The City of Birmingham and the State of

Alabama have lost a true gentleman and one of their most highly respected and valuable citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, although we grieve at his death, we are grateful for the life of William R. J. Dunn, Jr., and the many contributions he made to the life of his beloved city and state.

BE IT FURTHER RESOLVED, That our deepest sympathy is extended to his widow, Mrs. Beverly Dunn, his daughters, Mrs. Mary French and Mrs. Lucy Blount, and his mother, Mrs. William R. J. Dunn, Sr., to whom copies of this resolution shall be sent.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 143

H.J.R. 373—Biddle

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, the Legislature of Alabama has learned that Howard Russell Day of Gardendale, Alabama, has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work and selfless service to fulfill the stringent qualifications for this prestigious badge of achievement; and

WHEREAS, Howard Russell Day of Troop 266, Gardendale, has exemplified through his years of participation in this fine organization those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and congratulate Howard Russell Day for outstanding achievement in the Boy Scouts of America, and direct that a copy of this resolution be sent to him and to his parents, Dr. and Mrs. Jim H. Day that they may know of our high esteem.

Approved March 28, 1977.

Time: 6:00 P.M.

Act No. 144

H. 526—Owens

AN ACT

Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The offices of the county tax assessor and county tax collector in Bibb County shall be consolidated and the duties, responsibilities, powers and rights of both offices shall be assumed by the present tax assessor until his current term of office expires; there shall be created in lieu of the offices of tax assessor and tax collector the office of "county tax assessor and collector of Bibb County"; and after the present term of office of tax assessor expires, the office of county tax assessor and collector of Bibb County shall be filled by election.

Section 2. The county tax assessor and collector shall have the same power and authority, and shall perform the same duties and functions now required by law to be performed by the county tax assessor and the county tax collector of Bibb County, and his salary shall be fifteen thousand dollars (\$15,000.00) per annum. Said salary shall be paid in equal monthly installments from the general fund of the county as now provided by law. After the present term of office of tax assessor expires, the county tax assessor and collector shall be elected by the qualified electors of Bibb County, in the same manner as other county officers are elected, for a six year term; and he shall hold office until his successor is elected and qualified.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed and specifically that portion of Section 1 of Act No. 727, H. 1714 of the 1973 Regular Session, only as it relates to the salaries of the tax assessor and tax collector and directly conflicts with the provisions of this act, is hereby repealed.

Section 5. This Act shall become effective on March 1, 1977, and approval by the Governor, or upon its otherwise becoming a law.

Approved March 29, 1977.

Time: 4:45 P.M.

Act No. 145

H. 433—Callahan, Sandusky

AN ACT

To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 38, Section 77, as amended, is hereby amended further to read as follows:

"Section 77. Pay of Pilots.—The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay the sum of \$13.10 per draft foot, provided, however, the minimum pilot fee shall be computed on a minimum of fifteen feet regardless whether or not such vessel has a draft of less than fifteen feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees. On said vessels with a length overall not in excess of 499 feet, \$90.00; on said vessel with a length overall in excess of 499 feet, but not in excess of 599 feet, \$120.00; on said vessels with a length overall in excess of 599 feet, but not in excess of 699 feet, \$150.00; on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, \$180.00; on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, \$210.00; on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, \$240.00; on said vessels with a length overall in excess of 999 feet, \$270.00. Vessels with a beam of 130 feet or more shall require an assisting pilot in addition to the pilot and the fee for the assisting pilot shall be \$300.00. Vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws or part of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 31, 1977.

Time 4:05 P.M.

Act No. 146

S.J.R. 276—Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF AUBURN CIVIC LEADER,
ROBERT N. HOIT.

WHEREAS, The Alabama legislature has learned, with regret, of the death of Mr. Robert N. Hoit on February 15, 1977, in Auburn, Alabama; and

WHEREAS, a native of Livingston, Alabama, Mr. Hoit received an agricultural degree from Auburn University in 1934, taught vocational agriculture for five years, and retired in 1973 after 34 years of employment with the USDA Soil Conservation Service, during which time he was the recipient of several awards for outstanding performance; and

WHEREAS, throughout the years, he was actively involved with many civic affairs which included division chairmanship of the United Fund Drive, Boy Scout Merit Badge Council member, and work with crippled children projects and the Red Cross; and

WHEREAS, Robert Hoit's many interests further included membership in the Kiwanis Club for 37 years in Meridian, Mississippi, and Anniston, Alabama, and in the Ozark Club, which he served as past president; he also was Governor of the Alabama District of Kiwanis International in 1974-75, being honored at that time as a Distinguished Governor of Kiwanis International; and

WHEREAS, he was an active member and served as Elder in the First Presbyterian Church, and was a man of many talents who contributed greatly to his state and to his community, never shunning responsibility, but rather initiating numerous worthwhile projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the untimely death of Robert N. Hoit, and extend deepest sympathy to his wife, Hildegard Ledbetter Hoit, and to their children, Jo Ann and Robert Neilson Hoit, to whom copies of this resolution shall be sent.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 147

S.J.R. 280—Owen

SENATE JOINT RESOLUTION

OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART

WHEREAS, David A. Nihart of Mobile, Alabama, who has worked for the Alabama Radio News Network and for WKRQ, has now embarked upon his new career as an attorney; and

WHEREAS, the honorable legal profession is enhanced by the addition of this young and talented attorney whose budding legal practice can be expected to flourish under a combination of talent, dedication and perseverance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all good wishes for a successful career to David A. Nihart of Mobile, Alabama as he undertakes, with diligence and enthusiasm, the pursuits of his profession.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nihart that he may know of our sincere warm wishes.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 148

S.J.R. 286—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING MRS. ELIZABETH WHITMIRE.

WHEREAS, the Legislature of Alabama has noted the retirement of Mrs. Elizabeth Whitmire from the Department of Pensions and Security after twenty years of commendable and dedicated service as a case worker with the Adult Service Division of the Department, and has noted also that a retirement party was held in her honor by her co-workers, indicative of their esteem and affection for Mrs. Whitmire; and

WHEREAS, in addition to conscientious dedication to her duties as case worker, she also has given generously of her time to many worthwhile organizations, having served as immediate past president of the United Givers Fund of Etowah County, secretary of the Salvation Army Advisory Board and president of the RSVP Board; and

WHEREAS, Mrs. Whitmire has further been active in the Etowah County Council of Community Services, The Bridge drug alert center, American Association of University Women,

Business and Professional Women's Club, hospital auxiliary and church work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mrs. Elizabeth Whitmire for twenty years of devoted service with the Department of Pensions and Security and for outstanding civic, religious and charitable endeavors, and do further heartily congratulate her on retirement, wishing her many happy years in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Whitmire as a token of our esteem.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 149 S.J.R. 292—Peden, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, and Wilson

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

WHEREAS, the Alabama Legislature has noted that the University of North Alabama basketball team is co-champion of the Gulf South Conference and placed third in the nation in the 1977 NCAA Division II Playoffs, held March 18-19, 1977, in Springfield, Massachusetts, thereby ranking higher nationally than any other Division II team in Alabama; and

WHEREAS, the UNA Lions finished the season with a 24-7 record, the most wins and the highest finish ever for any Gulf South Conference team, a record achieved through countless hours of dedicated practice, working together, as one, with a strong sense of team spirit, with a high degree of technical skill and under the able direction of Head Coach Bill Jones and his fine assistants, Tommy Suits and Gerald Douglass; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the University of North Alabama basketball team for a tremendously successful season and for having achieved national ranking in competition.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Robert M. Guillot on behalf of the University of North Alabama, to Head Coach Bill Jones, Assistant Coaches Tommy Suitts and Gerald Douglass, to the team managers and to each team member.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 150

S.J.R. 293—Roberts

SENATE JOINT RESOLUTION

REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION OF THE TENNESSEE-TOMBIGBEE WATERWAY IN HIS REPORT ON OR BEFORE APRIL 15, 1977

WHEREAS the Administration of President Jimmy Carter has released a list of water projects including the Tennessee-Tombigbee Waterway which will be reviewed and possibly cancelled.

WHEREAS a Federal Review Committee has questioned the economic and environmental criteria of the Tennessee-Tombigbee Project.

WHEREAS the Mobile District of the U. S. Army Corps of Engineers is holding a public hearing in Columbus, Mississippi on March 29, 1977, to receive public views on the future of the project.

WHEREAS Col. Charles Blalock, District Engineer of the Mobile District Corps of Engineers has indicated that public testimony will be a major factor in the Secretary of the Army's recommendation on the Tennessee-Tombigbee Project which will be made to President Carter on or before April 15, 1977.

THEREFORE BE IT RESOLVED THAT THE ALABAMA SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, regards the 1.8 billion dollar Tennessee-Tombigbee Project as the most important public works project presently under construction and its cancellation or modification would be extremely detrimental to the economic future of Alabama as well as some 27 other states.

BE IT FURTHER RESOLVED that the Secretary of the Army include in his recommendation to President Carter on or before April 15, 1977, the unanimous support of the Alabama Senate and the Alabama House of Representatives for the completion of the Tennessee-Tombigbee Project prior to the current completion date in order to expedite the economic benefits of the project to this and other areas of the Country.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 151

S.J.R. 295—Pearson, McMillan

SENATE JOINT RESOLUTION

COMMENDING NORMAN F. USSERY FOR MERITORIOUS SERVICE.

WHEREAS, the Legislature of Alabama has noted with regret the retirement of Norman F. Ussery as associate member of the State Pardon and Parole Board; and

WHEREAS, Mr. Ussery, now of Millbrook, Alabama, was born September 28, 1914 in Dothan, Alabama, moved at an early age to Montgomery where he graduated from Sidney Lanier High School in 1933; he was a graduate of Port Arthur College in Texas, General Electric School of Electronics in Schenectady, New York and also studied additionally at the University of Alabama; and

WHEREAS, his outstanding career of service began in 1937 with the Montgomery Police Department, then as a teacher of Vocational Education at Spalding County High School, Griffin, Georgia; his association with the State of Alabama includes six years with the Alabama Department of Education, more than four years with what is now the George C. Wallace Trade School, and four years as instructor at Draper Correctional Center Trade School which he helped implement with Dr. John M. McKee; and

WHEREAS, in 1965, Mr. Ussery was appointed to the Board of Pardons and Paroles and reappointed in 1971, serving with devoted dedication to duty for almost twelve years until his retirement as associate member of the Board; and

WHEREAS, his activities further extend to include membership in Masonic Lodge #67, the Millbrook Mens Club, a number of professional organizations and an active membership in the Coosada Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges with grateful appreciation the unselfish and untiring service to the State of Alabama by Norman Ussery, commends him for his many outstanding contributions to the betterment of his community and fellowmen, and wishes for him continued success in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Ussery that he may know of our esteem.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 152

S.J.R. 296—Waldrop

SENATE JOINT RESOLUTION

COMMENDING MORRIS NELSON, A DEDICATED KIWANIAN.

WHEREAS, the Alabama Legislature has noted that Wednesday, March 9, 1977, was "Morris Nelson Day" in Gadsden, Alabama, so designated by the Gadsden Kiwanis Club to honor Morris Nelson for 35 years of perfect attendance; and

WHEREAS, Mr. Nelson, who served as president of his local club in 1948 and who has attended 17 international conventions, planning to attend his 18th in June, also was honored with a rare life membership in Kiwanis International, the first ever received by a member of the Gadsden Club, and was presented the Distinguished Service Award; and

WHEREAS, on this momentous occasion, he received further tributes from Governor George Wallace, United States Senator Jim Allen, President Carter's press secretary, Kiwanis International president, Stanley E. Snyder, Representative Tom Bevil and many others; and

WHEREAS, Morris Nelson is undoubtedly the most widely known "Mr. Kiwanian" in Alabama, has done more than any other to uphold the standards of Kiwanis, and is greatly admired by all who are privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise and commend Morris Nelson of Gadsden, Alabama, for the many outstanding and singular honors bestowed upon him for service and dedication to Kiwanis.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nelson that he may know of our esteem.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 153

S.J.R. 297—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES W. McDANIEL

WHEREAS, the Legislature of Alabama has learned, with regret, of the death of James W. (Jimmy) McDaniel of Leesburg on March 10, 1977 in Gadsden, Alabama; and

WHEREAS, Mr. McDaniel, who was a native of Cherokee County and a veteran of World War II, had worked, before his retirement, for 41 years as a steelworker in Arlington, Virginia; he was a member of the Baptist church and, also, was a Mason and a Shriner; and

WHEREAS, Jimmy McDaniel was a man who gained the respect and fond feelings of all those who knew him, and he long will be remembered and sadly missed by his family and many friends: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn and regret the death of James W. McDaniel and express our deep and heartfelt sympathy to his wife, Mrs. Vivian Hallmark McDaniel, and family to whom copies of this resolution shall be sent.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 154

S.J.R. 298—McDonald (A), King, Baker

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, BASKETBALL TEAM.

WHEREAS, the Legislature of Alabama is pleased to note that the UAH Chargers are co-champions of the Southern States Conference, Champions of District 27 and, for the second year,

have represented the State of Alabama in the NAIA National Tournament in Kansas City; and

WHEREAS, their successful 19-10 season record is reflective of the able leadership provided by Head Coach A. L. "Kayo" Willis and Assistant Coach Roby Phillips, who also are due high praise for the outstanding technical skills displayed by their team and for the fine team spirit of fair play and good sportsmanship which prevailed throughout the entire season; Sports Information Director Larry Eakes and Athletic Director Dennis Killips are to be praised, too, for their loyal support and encouragement; and

WHEREAS, congratulations most certainly are due Rickey Love who was named to the 2nd team All-American, and to Tony Vann and Dean Willis who received honorable mention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the UAH Chargers for their tremendously successful season and for the honor of representing our state in national competition, and direct that copies of this resolution be sent to each coach and to each member of the team.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 155

S.J.R. 299—McDonald (A), King, Baker

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, WIND ENSEMBLE.

WHEREAS, the Alabama Legislature is pleased to note that the University of Alabama, Huntsville, Wind Ensemble, has been invited to represent the State of Alabama by performing for the Southern Divisional Convention of the prestigious Music Educators National Conference in Atlanta, Georgia, April 28-29, 1977, before an impressive audience of 2,000 music educators from nine states; and

WHEREAS, "The UAH Wind Ensemble" is a 17-member volunteer group composed of students and musicians from the Huntsville area who devote countless, untold hours in dedicated practice and preparation, performing for the pleasure of giving pleasure to others; it was founded by Dr. George Cavanagh

who also conducts this remarkable and talented group of musicians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and praise "The UAH Wind Ensemble" for the singular honor of representing the State of Alabama before such a distinguished assemblage, and direct that copies of this resolution be sent to Dr. Cavanagh and to each member of the ensemble.

Approved April 1, 1977.

Time: 1:30 P.M.

Act No. 156

H.J.R. 111—Andrews

HOUSE JOINT RESOLUTION

COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.

WHEREAS, the Reverend Bill Hartley has faithfully served the congregation of the Ridgecrest Baptist Church; and

WHEREAS, the Reverend Bill Hartley has devoted his life to serving ALMIGHTY GOD and helping his fellowman; and

WHEREAS, the Reverend Bill Hartley is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS, the Reverend Bill Hartley not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Bill Hartley of the Ridgecrest Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Bill Hartley.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 157

H.J.R. 112—Andrews

HOUSE JOINT RESOLUTION

COMMENDING REVEREND CLAUDE WHITEHEAD,
PASTOR OF THE HUFFMAN UNITED METHODIST
CHURCH.

WHEREAS, the Reverend Claude Whitehead has faithfully served the congregation of the Huffman United Methodist Church; and

WHEREAS, the Reverend Claude Whitehead has devoted his life to serving ALMIGHTY GOD and helping his fellowman; and

WHEREAS, the Reverend Claude Whitehead is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS, the Reverend Claude Whitehead not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Claude Whitehead of the Huffman United Methodist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Claude Whitehead.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 158

H.J.R. 326—Turnham

HOUSE JOINT RESOLUTION

MOURING THE DEATH OF COLONEL LOUIS J.
COMPTON

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death on February 26, 1977, of Colonel Louis J. Compton of Auburn, Alabama, a great Alabamian and loyal American; and

WHEREAS, Colonel Compton, a graduate of Vanderbilt University, was commissioned a 2nd lieutenant in the United States Army in 1917, and served with distinction in both

World Wars I and II, first as instructor at Field Artillery School and Command and General Staff School, then graduated in 1938 from Army War College; during World War II, he was a lieutenant colonel in the intelligence section of the War Department and later served in the European Theater as a colonel in the 15th Army; and

WHEREAS, as a young captain, Compton was with the Auburn University ROTC from 1921-1925 and, after retirement in 1951, moved back to Auburn where he was deeply involved in community affairs, and also served for twelve years as Auburn City Judge and was on the staff of the Alabama Industrial Board during Governor Folsom's administration; and

WHEREAS, he was an active and contributing member of Holy Trinity Episcopal Church in Auburn as a member of the Vestry from 1952-1955, Senior Warden in 1955, Layreader from 1952-1974, Layreader Emeritus beginning in 1975 and also served as Sunday School teacher between the years 1952-1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and grievously mourn the death of Colonel Louis J. Compton, a man of great integrity and dignity, who was loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church, his community, state and nation.

BE IT FURTHER RESOLVED, That we extend our deepest sympathy to his wife, Elizabeth Boon Compton, and to his daughter, Mrs. Julia C. Moore of Fort Meyers, Virginia, and his five grandchildren to whom copies of this resolution shall be sent.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 159

H.J.R. 329—Jackson (F)

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM

WHEREAS, the Andalusia High School Bulldogs, jointly with the Athens High Golden Eagles, hold the class 3A State Championship; and

WHEREAS, this past season's outstanding team merely continued the fabulous winning streak which began in 1972

for the Andalusia Bulldogs with not a single defeat in 41 straight games of regular season play; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Don Sharpe, and Assistant Coaches Gwin Burket, Felix Boswell, Richard Robertson and Tommy Eiland; also to the exceptional talent and will-to-win spirit displayed by all the players and managers, with the teams exhibiting good sportsmanship and fair play throughout every game as they continued to win graciously year after year; and

WHEREAS, much credit is further due to the support and encouragement afforded the team by their excellent cheerleaders, the Quarterback Club, their tremendous band, loyal student body and other fans; in great measure to administrative and faculty support of all Andalusia High Athletic endeavors by Superintendent Oscar Zennah, members of the Andalusia City Board of Education, Dr. Ed Richardson, Principal, and Assistant Principal Clayton Bryant; and

WHEREAS, a milestone has been reached as the graduates of this year's senior class of '77 have never seen their school team lose a regular season game since they have attended Andalusia High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Andalusia High School Football Team for their Class 3A State Championship and for their laudable record since 1972 of 41 regular season games without a loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of the coaches, and a copy to the Principal, Dr. Ed Richardson, on behalf of the team and the entire student body.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 160

H.J.R. 343—Folmar

HOUSE JOINT RESOLUTION

CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON THEIR CONFERENCE CHAMPIONSHIP.

WHEREAS, in November, 1975, Troy State University's search for a football coach, who would return the Trojans to

national prominence, ended with the selection of Charlie Bradshaw; and

WHEREAS, the Trojan's climb back was far from easy, beginning in January when the toil of their off-season program started, with benefits beginning to show during the Spring and on into Fall; and

WHEREAS, in the first game of the '76 season with Charlie Bradshaw as TSU's head man, the Trojans shocked the visiting Angelo State Texans with a decisive 38 to 9 victory to begin the University's best football record since 1969, eight, one and one, with the final NCAA poll listing the Trojans as sixth, the first time in history for TSU's name to appear in that association's final top 10; and

WHEREAS, history was made again when the conference trophy came to the Davis Field House for the third time, as no other GSC school has won two football crowns since the league was formed in 1971; and

WHEREAS, the TSU Trojans spent many long hours of arduous and dedicated practice to accomplish their goals; they were challenged and given purpose and new meaning to the game by Head Coach Charlie Bradshaw and his able assistants, and were enthusiastically cheered to new spirit and determined efforts by thousands of loyal Trojan fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize, praise and applaud Troy State University's outstanding accomplishments this past season under the direction of Head Coach Charlie Bradshaw, and do heartily congratulate them on their 1976 Conference Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Bradshaw and his assistants, and to each member of the team.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 161

H.J.R. 361—Roberts, Martin, Cross

HOUSE JOINT RESOLUTION

COMMENDING THE MORGAN COUNTY VOLUNTEER RURAL FIREFIGHTERS.

WHEREAS, during the fire crises experienced in the month of February, 1977, the Morgan County Volunteer Rural Fire-

fighters responded to and coped commendably with the emergencies at hand; and

WHEREAS, nineteen departments worked a total of 1,668 man-hours handling 278 calls to fight grass and woods fires which, despite their efforts, resulted in the destruction by fire of 4,753 acres, 39 structures, one tractor and eight cars; and

WHEREAS, without the quick responses to these emergency calls, the untiring and unceasing efforts and the professional well-organized assailments on the part of the Morgan County Volunteer Rural Firefighters, the losses suffered would have amounted, unquestionably, to a great deal more; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the department of the Morgan County Volunteer Rural Firefighters, and the Alabama Forestry Commission, for a job well done during the February, 1977 fire crises in Alabama, and further, direct that copies of this resolution be sent to them that they may know of our high praise.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 162

H.J.R. 365—McMillan, Kinsey

HOUSE JOINT RESOLUTION

HONORING MISS AMELIA JOHNSON FOR MERITORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

WHEREAS, the Alabama Legislature has noted that, on February 28, 1977, Miss Amelia Johnson announced her retirement, effective April 30th, which will end a distinguished career of service to the town of Robertsdale, Alabama that spans twenty-eight years; and

WHEREAS, Miss Johnson began work at the town hall April 23, 1949 as assistant clerk and assumed the duties of clerk in 1951, serving in that capacity with dedication, courteously and efficiently, for the past twenty-six years; and

WHEREAS, "Miss Amelia" truly has earned her retirement, having worked as a true loyal citizen, and for her entire twenty-eight year career, without a paid vacation; and

WHEREAS, in addition to having served her town for so many years and with such distinction, she also is further and actively involved in many of the civic affairs of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend Miss Amelia Johnson for notable service to the town of Robertsedale, Alabama, wish for her a long and happy retirement, and direct that a copy of this resolution be sent to her as a token of our esteem.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 163

H.J.R. 368—Gregg, Riddick, Moore (W),
Albright, Smith (B)

HOUSE JOINT RESOLUTION

COMMENDING MRS. BARBARA BRAGG FOR MERITORIOUS SERVICE

WHEREAS, on January 16, 1977, Mrs. Barbara Bragg completed her term of service on the Madison County Judicial Commission, having discharged her duties with dedication and great ability; and

WHEREAS, Mrs. Bragg, in addition to having served capably as commission member, also is deeply involved as an active participant in many civic affairs and charitable endeavors in her community, giving generously of her time and talents; and

WHEREAS, her enthusiasm for her work and services to her community have gained for her the respect of her fellow citizens and all those who are privileged to know her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly and sincerely commend Mrs. Barbara Bragg of Toney, Alabama for meritorious service as a member of the Madison County Judicial Commission and for many other services to her community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Bragg as a token of our esteem.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 164

H.J.R. 371—Brindley

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF DAVID KLEIN

WHEREAS, the Legislature of Alabama was shocked and saddened to learn of the tragic and untimely death of David Klein of Blount County, Alabama on March 13, 1977, as the result of a boating accident on the Warrior River; and

WHEREAS, David was a young high school student of unlimited potential who had been recommended for an appointment to the Air Force Academy; he was valedictorian of his senior class and president of the student body of Susan Moore High School, and was a member of Future Farmers of America; and

WHEREAS, young David Klein was an outstanding athlete having been a three-year starter in both football and basketball, was captain of both teams, was named all-county in football and basketball, and was honorable mention for all-state; and

WHEREAS, he was a lover of nature who exhibited throughout his short lifetime a youthful and aspiring outlook, vivacity and a warmth of personality that served as an inspiration to all those privileged to know him; he was beloved of family and friends, and will be sorely missed by them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn, and do deeply regret, the loss of David Klein who, in this life, was denied his dreams by an untimely death.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his parents, Mr. and Mrs. Jim Klein, and his brothers, Wesley, Jeff and Tommy, that they may know of our heartfelt sympathy and that we share their sorrow.

Approved April 7, 1977.

Time: 4:00 P.M.

Act No. 165

H. 103—Manley, Johnstone

AN ACT

To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 847 of Title 51 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so as to read as follows:

"§ 847. Disposition of moneys by judge of probate. — within twenty days after the end of each month, the judge of probate must remit to the state treasurer at the expense of the state, all money received by him for licenses belonging to the state, and pay to the county treasurer all the money received by him for licenses belonging to the county, and within the same time the judge of probate shall forward to the comptroller and to the department of revenue each certified list of all licenses issued by him, stating thereon for what business issued, amount collected for each license, from whom collected, and the date of such collection; and if no licenses have been issued, he shall report that fact. Provided, however, that for the months of October, November and December of each calendar year the judge of probate shall be granted an additional period of ten days in which to make the remittances and certification of lists above specified and for such months shall be required to make such remittances and certification of lists within thirty days after the end of each of such months. The judge of probate shall be entitled to receive two and one-half percent of the amount of money collected for licenses due the state, which he may deduct from his remittance to the state treasurer, and he shall be entitled to the same amount as compensation for collecting licenses due the county, which amount he may deduct from the payment made by him to the county treasurer, but he shall not be allowed any commission on any money not remitted by him within twenty days from the end of the month, except as otherwise provided herein with reference to the months of October, November and December of each calendar year for which months the judge of probate shall be entitled to the commissions herein provided if such remittances be made within thirty days after the end of each such months. If the judge of probate fails to comply with the provisions of this section within five days after the date on which he is required to make such report, and to remit the money collected by him, the comptroller shall forthwith report the fact to the governor, who shall cite such judge of probate to show why he has not made report of the lists of licenses and paid over the amount collected by him as required by law, and if such judge of probate fails to show sufficient cause for such failure, the governor shall direct the attorney general to institute impeachment proceedings against him before the supreme court."

Section 2. This act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 166

H. 198—Falkenburg, Waggoner, White

AN ACT

A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended, is further amended to read as follows:

“§12. Exempted organizations and activities. This title shall not apply as to:

“(1) Any fraternal or other organization or activity which is exempted from the provisions of chapter 31(30) (fraternal benefit societies), under section 676 of this title, except to the extent provided in such section.

“(2) Nonprofit corporations for establishment of hospitalization plan under Title 28, chapter 10, article 3 of the Alabama Code, 1940, as amended, except to the extent now or hereafter provided in such laws.

“(3) The insurance department of a brotherhood or labor union, the members of which are subject to the act of congress known as the Railway Labor Act. (1971, No. 407, §12, effective Jan. 1, 1972.)

“(4) The establishment, maintenance, administration, and operation of any trust established pursuant to §2 of this Act introduced at the 1977 Regular Session of the Legislature of Alabama as House Bill _____, by agreement of any hospitals or other health care units licensed as such by the State of Alabama.”

Section 2. There is hereby authorized the establishment, maintenance, administration and operation of any trust, estab-

lished by agreement of any hospitals or other health care units licensed as such by the State of Alabama (hereinafter "Hospitals"), as grantors, with such Hospitals as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such Hospitals, including without limitation, claims based upon malpractice. Such Hospitals may, by trust agreement among themselves and a trustee or trustees of their selection, specify the terms, conditions and provisions of such a trust.

Section 3. The trustees of trusts established pursuant to Section 2 shall hold the legal title to all property at any time belonging to the trust. They shall have control over such property as well as the control and management of the business and affairs of the trust. Liability to third persons for any act, omission or obligation of a trustee of a trust, when acting in such capacity shall extend to the whole of the trust estate, or so much thereof as may be necessary to discharge such obligation, but no trustee shall be personally liable for any such act, omission or obligation. The trustees shall have such powers as to the investment of the trust estate as may be set out in the declaration of trust, provided, however, that the investments of the trust shall be limited to the same type, kind, and quality as those required of a domestic casualty insurer. Without limiting the generality of the foregoing, the trustees shall have any powers, whether conferred upon them by the agreement of trust or otherwise, to perform all acts necessary or desirable to the conduct of the business of a public liability insurer.

Section 4. No Hospital which is a participant in such a trust as grantor, member, beneficiary or otherwise, shall be liable or obligated to the trust; to the trustee; to any other grantor, member or beneficiary; to any creditor of the trust; or to any other person by virtue of its participation, other than for the payment of its full agreed contribution to the trust in accordance with the trust agreement. Without limiting the generality of the foregoing, no participating Hospital shall incur any other liability of any nature whatever because of or arising out of its participation in such a trust.

Section 5. All of the provisions of this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unlawful, such declaration shall not affect the part which remains.

Section 7. This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 167 H.J.R. 342—Greer, Hill, Coburn, Goodwin

HOUSE JOINT RESOLUTION

COMMENDING CHARLIE THOMPSON FOR HEROISM.

WHEREAS, on July 30, 1976, when the boat in which he was riding jumped out of gear, Billy Springer was thrown from the boat into the waters of Second Creek which is located in Lauderdale County; he was seriously injured when he was pulled into the propeller while attempting to stop the boat, and was in grave danger of drowning; and

WHEREAS, his skiing companion, Charlie Thompson, whom Mr. Springer had been towing, managed to pull Mr. Springer to safety and back into the boat, but was unsuccessful in his attempts to start the boat again; and

WHEREAS, without regard for his own safety, Charlie Thompson dived into the water, swam some 250 yards to shore, ran a mile or more on a gravel road which severely lacerated his feet, he summoned help and was successful in getting his injured companion to the hospital with life-saving speed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in his outstanding courage, we highly commend Charlie Thompson for valor and personal bravery in successfully saving the life of his friend.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Thompson that he may know of our praise.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 168

H.J.R. 354 Andrews

HOUSE JOINT RESOLUTION

COMMENDING REV. ROBERT E. BROWN, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

WHEREAS, the Reverend Robert E. Brown has faithfully served the congregation of the Lakewood Baptist Church; and

WHEREAS, the Reverend Robert E. Brown has devoted his life to serving ALMIGHTY GOD and helping his fellowman; and

WHEREAS, the Reverend Robert E. Brown is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS, the Reverend Robert E. Brown not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Robert E. Brown of the Lakewood Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful services; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Robert E. Brown.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 169	H.J.R. 372—Rich, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris,
-------------	--

Naramore, Owens, Pegues,
Plaster, Porter, Quarles, Reed,
Riddick, Roberts, Robertson,
Sandusky, Sasser, Shelton,
Shoemaker, Smith (B),
Smith (C), Smith (J),
Smith (M), Sonnier, Sparks,
Starkey, Taylor, Trammell,
Tucker, Turnham, Venable,
Waggoner, Warren, Weeks,
Whatley, White, Williams,
Wyatt, Younce

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE J. B. BURKHALTER OF CHEROKEE COUNTY.

WHEREAS, Citizens all over Alabama were deeply grieved by the recent death of former Cherokee County State Representative J. B. Burkhalter, particularly those whom he so ably served for eight years in the Alabama House of Representatives; and

WHEREAS, Mr. Burkhalter was recognized as one of the most effective legislators ever to serve Cherokee County; and

WHEREAS, Mr. Burkhalter will be long remembered by his constituents as a friend of all the people; NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by Mr. Burkhalter's passing and extend to his family our sincere sympathy.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 170

H.J.R. 377—Crowe

HOUSE JOINT RESOLUTION

URGING CONGRESS AND PRESIDENT CARTER TO CONTINUE THE BEAR CREEK WATERSHED AND FLOOD CONTROL PROJECT

WHEREAS, the Legislature of Alabama has demonstrated its unanimous support of the Tennessee Valley Authority and its mission to advance the economic development of the Tennes-

see Valley, its programs concerning water resource development and its activities in the fields of energy, water transportation, flood control and conservation; and

WHEREAS, specifically the Bear Creek Watershed and Flood Control project in Winston, Franklin and Marion counties in North Alabama indisputably will enhance the economic and recreational aspects of this area while protecting also the natural resources and environment of Northwest Alabama; and

WHEREAS, President Carter's proposed cut-off of funds of TVA to the Appalachian region of the United States could serve only to devastate the economy of Winston, Franklin and Marion Counties, a deleterious decision which would gravely and irrevocably endanger the missions, responsibilities and mandates of TVA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, committed, as one, to complete and wholehearted support of this most vital project of TVA, this body does respectfully strongly and unanimously urge the Congress of the United States and President Carter to continue necessary and adequate funding for the Bear Creek Watershed and Flood Control project which is of foremost importance to North Alabama and the entire Appalachian region of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 171

H.J.R. 379—Mitchem

HOUSE JOINT RESOLUTION

COMMENDING DR. W. H. (Jack) TAYLOR UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY

Whereas, Dr. W. H. (Jack) Taylor elected to retire February 28, 1977, after 30 years of dedicated and effective service with the Alabama Cooperative Extension Service; and

Whereas, as assistant county agent, county agent, district agent, assistant director, associate director and acting director he has served the people of Alabama at many levels within the Extension Service; and

Whereas, Dr. Taylor has compiled an exceptional record of achievements and accomplishments with the Extension Service and has won the respect of his fellow employees; and

Whereas, the administrative leadership of Dr. Taylor has left a positive, profound and lasting imprint on the lives of the many thousands of Alabamians served by the Extension Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dr. W. H. (Jack) Taylor for his long and enviable record of achievements and accomplishments and wishes for him a happy and satisfying retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Taylor; to Dr. J. Michael Sprott, Director of Alabama Cooperative Extension Service, Auburn University; and to the press and various other news media.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 172	H.J.R. 385—Cross, Roberts, Martin, Killian, Sparks, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B),
-------------	--

Smith (C), Smith (J),
 Smith (M), Sonnier, Starkey,
 Taylor, Trammell, Tucker,
 Turnham, Venable, Waggoner,
 Warren, Weeks, Whatley, White,
 Williams, Wyatt, Younce

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS.
 TOM DRAKE.

WHEREAS, the Alabama Legislature, in its awareness that "Monday's child is fair of face," is pleased to note the birth of Christy Lee, a beautiful six-pound baby girl born Monday, March 14, 1977, to Representative and Mrs. Tom Drake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate our proud colleague, Tom Drake, and his lovely wife, Chris, on this latest addition to their already fine family, and wish for little Christy Lee a long lifetime of happiness, wisdom and joy.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Chris and Tom Drake, and one to Christy Lee that she may later know of our warm wishes for every success in life.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 173

H.J.R. 387—Reed

HOUSE JOINT RESOLUTION

URGING INTERVENTION BY PRESIDENT CARTER
 TO PREVENT THE CLOSING OF CRAIG AIR FORCE BASE
 IN SELMA, ALABAMA.

WHEREAS, a decision to close Craig Air Force Base would devastate the economy of Selma, Alabama, and surrounding Dallas County by initially boosting unemployment up to seventeen percent, or more, and leaving vacant up to 2,000 units of housing; and

WHEREAS, this area would suffer economically more than any of the areas in which the eight Air Training Commands are located and, further, would affect adversely a greater number of persons of a minority population due to the majority-minority ratio existing in Selma and Dallas County; and

WHEREAS, also, the tentative decision by the Air Force to close Craig AFB was based on studies which criteria measurements failed to note, or to take into consideration, the fact that of the eight bases involved, Craig has rated consistently in monthly ratings by the Air Force in the top five in categories such as performance, number of flying hours and safety, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in the interest of the economy of this area; because of the excellent community relations that exist between Craig AFB and Dallas County citizens; because of the economical soundness and expediency of the pilot training program and other military operations; and the readiness and availability of Craig AFB for increased pilot training when, and if necessary, for national security; we do unanimously urge President Carter to intervene immediately and take all due measures to prevent the closing of Craig Air Force Base in Selma, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 174 H.J.R. 405—Robertson, Johnson, McCorquodale
HOUSE JOINT RESOLUTION

NOTING THE RETIREMENT OF NORMAN F. USSERY
AND COMMENDING HIM FOR MERITORIOUS SERVICE.

WHEREAS, The Alabama Legislature notes regretfully the retirement of Norman F. Ussery from the State Pardons and Parole Board; and

WHEREAS, Mr. Ussery, now of Millbrook, Alabama, is a native of Dothan who moved at an early age to Montgomery where he graduated from Sidney Lanier High School; he also was a graduate of Port Arthur College in Texas, General Electric School of Electronics in Schenectady, New York and studied additionally at the University of Alabama; and

WHEREAS, his long and notable career of service began in 1937 with the Montgomery Police Department, then as a teacher of Vocational Education at Spalding County High School, Griffin, Georgia; his association with the State of Alabama includes six years with the Alabama Department of

Education, more than four years with what is now the George C. Wallace Trade School, and four years as instructor at Draper Correctional Center Trade School which he helped implement with Dr. John M. McKee; and

WHEREAS, in 1965, Mr. Ussery was appointed to the Board of Pardons and Parole, was reappointed in 1971 and served with distinction and merit for almost twelve years until his retirement as associate member of the Board; and

WHEREAS, his interests further extend to include membership in Masonic Lodge # 67, the Millbrook Mens Club and a number of professional organizations; he is an active and involved member of the Coosada Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do unanimously and highly commend Norman F. Ussery for innumerable contributions to his community and to the State of Alabama, and direct that a copy of this resolution be sent to him that he may know of our warm wishes for a long and happy retirement and every future success.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 175

H. 47—Lee

AN ACT

To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Any person, firm or corporation who owns any real property in any such county and anticipates that he or it will be the owner thereof on the first day of October next thereafter following may make a return of such property for taxation on the ensuing tax year at any time after December 31, of the current tax year. The tax assessor may value any such property during that period, but any property so returned and valued shall be included for tax purposes and any abstracts and other reports required of tax assessors as having been made during the regular tax assessment period (October 1 through December 31) next following such return and valuation. How-

ever, no person, firm or corporation shall be permitted or allowed to return property for valuation under this act unless he or it furnishes to the tax assessor evidence or indicia of his or its ownership by a duly recorded deed or other like conveyance.

Section 3. It is the intent of this act that real property may be returned and valued for ad valorem tax purposes at any time during the period for January 1 through September 30, as well as during the regular tax assessment period and that the time prescribed for the payment of ad valorem taxes, the procedures for fixing valuations by the Board of Equalization, and the procedures for taking appeals from valuations and assessments shall not be affected by this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 176

H. 104—Manley, Johnstone

AN ACT

To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 712 of Title 51 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so as to read as follows:

“§712. Remittance of moneys and certification of lists of motor vehicles by judge of probate. — On or before the twentieth day of each month, the judge of probate must disburse all money received by him during the then preceding month in respect of motor vehicle licenses and registration fees as follows:

(a) The judge of probate shall retain, as compensation for collecting all such money, two and one-half percent of all moneys so collected except that portion of the said moneys that constitutes additional amounts paid under the schedule of additional amounts set forth in either of subsections (a) and (b) of Section 697 of this title; but no such compensation shall be

allowed with respect to any money not remitted pursuant to clauses (b) and (c) of this section at the time when such remittances are provided in this section to be made;

(b) There shall be remitted to the state treasurer five percent of all moneys so collected except that portion of the said moneys that constitutes additional amounts paid under the schedule of additional amounts set forth in either of subsections (a) and (b) of Section 697 of this title; and

(c) The residue of the money so collected shall be remitted as provided in Section 713 of this title; provided, however, that the judge of probate shall have an additional period of ten days within which to make remittances of amounts collected by him during the months of October, November and December and remittances with respect to collections during any of those months shall be made on or prior to the thirtieth day of the then next succeeding month. At the time that each monthly remittance is made as herein provided, the judge of probate shall forward to the comptroller and to the department of revenue each a certified list of all motor vehicle licenses issued by the judge of probate during the then preceding month, stating therein the amount collected for each license tag, the number of the tag, the motor number of the vehicle or vehicle identification number in lieu of the motor, the serial number of the vehicle, the name and address of its owner, and the date of the issuance of said tag; provided that the governor may, by executive order, direct that such list be forwarded to the department of public safety instead of the department of revenue, thus placing the responsibility for the maintenance of the records of motor vehicle registration on the department of public safety whenever such action is necessary to enable the Safety Act or any other federal program; provided further, however, that in all counties having over 600,000 population according to the last or any subsequent federal census the date of the issuance of the tag shall not be included in the certified list of all motor vehicle licenses issued. If no such licenses shall have been issued during any month by the judge of probate, he shall report that fact to the said comptroller and to the said department on or prior to the tenth day of the then next succeeding month. If any judge of probate fails to comply with the provisions of this section within five days after the date on which he is required to make any report or remittance hereunder, the comptroller shall forthwith report such failure to the governor, who shall cite such judge of probate to show cause why he has not made report of the list of motor vehicle licenses and paid over the amount collected by him as required by law, and if such judge of probate fails to show sufficient cause for such failure, the governor shall direct the attorney general to institute impeachment proceedings against him before the supreme court."

Section 2. This act shall become effective on its approval by the Governor or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 177

H. 300—Brindley, Jolly

AN ACT

Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), is hereby amended to read as follows:

“Section 1. In all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census, the county governing body is authorized to pay out of the general fund of the county the salaries of one chief clerk for the office of the tax assessor and one chief clerk for the office of the tax collector of that county. The governing body of any such county shall fix the salaries of such chief clerks at not more than \$6,000 per annum each. Provided, however, that any cost of living allowance, increase, or like benefit now or hereafter granted other county employees automatically shall be applicable to such chief clerks.”

Section 2. This act is retroactive to October 1, 1975.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 178

H. 371—Killian, Starkey, Lutz

AN ACT

To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1367), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial

Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), is hereby amended to read as follows:

“Section 4. The compensation for each clerk-secretary shall be set by the county governing body in which such circuit is located at not less than \$575 per month, and if not set by the county governing body the compensation shall be \$575 per month, payable out of the general fund of the county comprising the Thirty-eighth Judicial Circuit until such time as such compensation shall be payable by the State of Alabama in accordance with the provisions of Act No. 1205 of the 1975 Regular Session of the Legislature of Alabama. Any payments heretofore made by any such county governing body, since October 1, 1976, to any secretary appointed or employed by such Judge are hereby ratified, approved and fully validated in the amount of \$6,900.00 per annum, or \$575.00 per month. Beginning October 1, 1977, compensation for such secretary shall be fixed in accordance with the provisions of Act No. 1205 of the 1975 Regular Session of the Legislature, and any rules adopted pursuant thereto.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 179

H. 405—Jolly

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Blountsville in Blount County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The E. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$, Section 12;

The South $\frac{1}{2}$ of Section 12;

Section 13;

The E. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$, Section 11;

The E. $\frac{1}{4}$ of Section 14;

The N.E. $\frac{1}{4}$ of Section 24;

The E. $\frac{1}{2}$ of N.W. $\frac{1}{4}$, Section 24;

The E. $\frac{1}{2}$ of S.E. $\frac{1}{4}$, Section 24;

The E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$, Section 25;

All in Township 11 South, Range 1 West Blount County, Alabama.

Also:

The South $\frac{1}{2}$ of Section 6;

The West $\frac{1}{2}$ of the S.W. $\frac{1}{4}$, Section 5;

The West $\frac{1}{2}$ of the N.W. $\frac{1}{4}$, Section 8;

The North East $\frac{1}{4}$ of Section 7;

The West $\frac{1}{2}$ of Section 7;

The West $\frac{1}{2}$ of Section 18;

The West $\frac{1}{2}$ of Section 19;

The North West $\frac{1}{4}$ of Section 30;

All in Township 11 South, Range 1 East, Blount County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 180

H. 412—Kinsey, McMillan

AN ACT

Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Any county health officer or administrator is hereby authorized to issue an official death certificate in any case within the county, except where an autopsy is required. Data obtained from the attending physician or funeral director shall be kept on file for one year following the death for the purpose of issuing such death certificate. Such certificate shall be in all particulars the same as those issued by the state department of public health and shall be sufficient proof of death in any court or for insurance purposes. Nothing in this Act shall affect any existing duty of any person to gather and transmit data to the local registrar or to the state health department.

Section 3. The county health officer shall, not later than ten days from the date of death, make such official death certificate available to the surviving spouse or next of kin of the deceased at a fee not greater than that charged by the state health department for the same service. Any officer failing to comply with this section is guilty of a misdemeanor.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 181

H. 437—Smith (M), Higginbotham
AN ACT

Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 475, H. 304, Regular

Session 1973 (Acts of 1973, p. 689), which act created the county commission of Chambers County in lieu of the court of county commission of said county are hereby amended to read as follows:

"Section 1. The court of county commission of Chambers County is hereby abolished, and there is created in lieu thereof the Chambers County Commission, to be composed of five commissioners as hereinafter provided. Each commissioner shall be a resident and qualified elector of the district which he represents and shall be nominated and elected by the qualified electors of the district he represents. The commissioners who were elected in 1974 from Districts 2 and 4, as such districts were described in Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), shall serve out the terms for which they were elected as commissioners from Districts 2 and 4 as such districts are hereinafter described. Successors to commissioners from Districts 2 and 4, as such districts are hereinafter described, shall be elected in November 1978 for terms of four years each and each fourth year thereafter. The commissioners who were elected in 1976 from Districts 3 and 5, as such districts were described in Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), shall serve out the terms for which they were elected as commissioners from Districts 3 and 5 as such districts are hereinafter described. Successors to commissioners from Districts 3 and 5, as such districts are hereinafter described, shall be elected in November 1980 for terms of four years each and each fourth year thereafter. The commissioner elected in 1976 from District 1, as such district was described in Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), shall serve until his successor from District 1, as such district is hereinafter described, shall be elected in November 1978 for a term of four years and each fourth year thereafter.

"The terms of all commissioners shall commence on the first Monday after the second Tuesday in January following his election and shall continue until his successor is elected and qualified. In the event of a vacancy, the same shall be filled by appointment by the Governor for the unexpired term.

"Section 2. Chambers County shall be divided into five commissioners districts as follows:

DISTRICT 1. Beginning at the northwest corner of Chambers County, which is also the northeast corner of Tallapoosa County and the southern boundary of Randolph County; thence easterly along the Chambers-Randolph County line for distance of 20.9 miles, more or less, to the northeast corner of Chambers County, which is also the western boundary of Troup County, Georgia; thence southeasterly along the eastern boundary of Chambers County, Alabama and the western boundary of Troup

County, Georgia for a distance of 12.2 miles to the northern boundary of Township 22 North, Chambers County, Alabama; thence westerly along the said northern boundary of Township 22 North for a distance of 6.9 miles, more or less to the northwest corner of Section 2, Township 22 North, Range 27 East, Chambers County, Alabama; thence southerly along the western boundary of Section 2, 11, 14 and 23, Township 22 North, Range 27 East, Chambers County, Alabama for a distance of 4 miles, more or less to Alabama Highway number 50; thence northwesterly and westerly along Alabama Highway number 50 for a distance of 4 miles, more or less, to the western boundary of the southeast quarter of the southwest quarter of Section 18, Township 22 North, Range 27 east, Chambers County, Alabama; thence northerly along the western boundary of the southeast quarter of the southwest quarter of Section 18, the western boundary of the northeast quarter of the southwest quarter of Section 18, the western boundary of the southeast quarter of the northwest quarter of Section 18, the western boundary of the southeast quarter of the southwest quarter of Section 7, the western boundary of the northeast quarter of the southwest quarter of Section 7, the western boundary of the southeast quarter of the northeast quarter of the southwest quarter of Section 7, for a distance of 1.5 miles, more or less and being in Township 22 north, Range 27 east, to the northeast corner of the southwest quarter of the northwest quarter of Section 7; thence westerly along the northern boundary of the southwest quarter of the northwest quarter of Section 7 the northern boundary of the southeast quarter of the northeast quarter of Section 12, the northern boundary of the southwest quarter of the northeast quarter of Section 12, the northern boundary of the southeast quarter of the northwest quarter of Section 12, the northern boundary of the southwest quarter of the northwest quarter of Section 12, westerly along the northern boundary of the southeast quarter of the northeast quarter of Section 11, the northern boundary of the southwest quarter of the northeast quarter of Section 11, the northern boundary of the southeast quarter of the northwest quarter of Section 11, for a distance of 2.25 miles, more or less and being in Township 22 North, Range 27 and 26 east, to the eastern boundary of Section 10, Township 22 North, Range 26 east; thence southerly along the eastern boundary of Section 10, 15 and 22, Township 22 North, Range 26 east for a distance of 2.6 miles, more or less to Alabama Highway number 50; thence southwesterly and westerly along Alabama Highway number 50 for a distance of 12 miles, more or less, to the western boundary of Chambers County, which is also the eastern boundary of Tallapoosa County; thence northerly along the Chambers-Tallapoosa County line for a distance

of 19.6 miles, more or less to the northwest corner of Chambers County which is also the northeast corner of Tallapoosa County, the southern boundary of Randolph County and the point of beginning.

DISTRICT 2. Beginning at the southwest corner of Chambers County, Alabama which is also the northern boundary of Lee County and the eastern boundary of Tallapoosa County; thence northerly along the Chambers-Tallapoosa County line for a distance of 6.5 miles, more or less, to Alabama Highway number 50; thence northeasterly and easterly along Alabama Highway number 50 for a distance of 12 miles, more or less, to the western boundary of Section 23, Township 22 North, Range 26 East; thence northerly along the western boundary of Section 23, 14, and 11, Township 22 North, Range 26 East, for a distance of 2.6 miles, more or less, to the northwest corner of the southwest quarter of the northwest quarter of Section 11, Township 22 North, Range 26 East; thence easterly along the northern boundary of the southwest quarter of the northwest quarter the southeast quarter of the northwest quarter, the southeast quarter of the northeast quarter of Section 11, easterly along the northern boundary of the southwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 26 East, and easterly along the northern border of the southwest quarter of the northwest quarter of Section 7, Township 22 North, Range 27 East, for a distance of 2.25 miles, more or less to the northeast corner of the southwest quarter of the northwest quarter of Section 7; thence southerly along the eastern boundary of the southwest quarter of the northwest quarter of Section 7, the eastern boundary of the northwest quarter of the southeast quarter of Section 7, the eastern boundary of the southwest quarter of the southwest quarter of Section 7, the eastern boundary of the northwest quarter of the northwest quarter of Section 18, the eastern boundary of the southwest quarter of the northwest quarter of Section 18, the eastern boundary of the southwest quarter of the southwest quarter of Section 18, all in Township 22 North, Range 27 East, for a distance of 1.5 miles, more or less, to Alabama Highway number 50; thence southeasterly and easterly along Alabama Highway number 50 for a distance of 5 miles more or less, to the Providence Church Road (Chambers County Highway number 36); thence northeasterly and easterly along the Providence Church Road (Chambers County Highway number 36) for a distance of 6 miles, more or less, to the western boundary of the City Limits of Lanett; thence north along the Lanett City Limits a distance of 1000 feet, more or less; thence east along the Lanett City

Limits and the northern boundary of Section 26, Township 22 North, Range 28 East, Chambers County, Alabama for a distance of 2400 feet, more or less; thence northeasterly along the western boundary of the Lanett City Limits a distance of 9400 feet, more or less, to the northwest corner of the Lanett City Limits; thence southeasterly along the Lanett City Limits a distance of 2850 feet, more or less; thence north along the Lanett City Limits a distance of 900 feet, more or less; thence southeasterly along the Lanett City Limits a distance of 700 feet, more or less; thence southwesterly along the Lanett City Limits and North 8th Avenue for a distance of 1600 feet, more or less to North 18th Street in the City of Lanett; thence northwesterly along North 18th Street in the City of Lanett for a distance of 1050 feet, more or less, to North 11th Avenue in the City of Lanett; thence southerly along North 11th Avenue in the City of Lanett for a distance of 5250 feet, more or less to 1st Street in the City of Lanett; thence westerly along 1st Street and a west extension of 1st Street in the City of Lanett for a distance of 5300 feet, more or less, to the western boundary of the City Limits of Lanett; thence southerly along the western boundary of the City Limits of Lanett for a distance of 2650 feet, more or less, to the southwest corner of the City Limits of Lanett which is also the southeast corner of Section 27, the northeast corner of Section 34, the northwest corner of Section 35, the southwest corner of Section 26, in Township 22 North, Range 28 East, Chambers County, Alabama; thence east along the southern boundary of said Section 26 for a distance of 4900 feet, more or less; thence southeast along the Lanett City Limits for a distance of 3650 feet, more or less, to Alabama Highway number 50; thence westerly along Alabama Highway number 50 for a distance of 200 feet, more or less, to Moores Creek; thence northwesterly along Moores Creek for a distance of 2800 feet, more or less; thence southwesterly along an unnamed Creek for a distance of 7500 feet, more or less to Hop Lewis Road; thence south along Hop Lewis Road for a distance of 600 feet, more or less, to the southern boundary of Township 22 North; thence west along the southern boundary of Township 22 North, for a distance of 3.4 miles, more or less, to the eastern boundary of Range 27 East; thence southerly along the eastern boundary of the said Range 27 East, for a distance of 8 miles, more or less, to the southern boundary of Chambers County, Alabama and the northern boundary of Lee County, Alabama at the southeast corner of Section 12, Township 20 North, Range 27 East, Chambers County, Alabama; thence westerly along the Chambers - Lee County line for a distance of 7 miles, more or less, to the southwest corner of Section 12, Township 20 North, Range 26 East, Chambers County, Alabama; thence northerly along the Chambers - Lee County line and the western boundary of the said Section 12 for a distance of 0.5 miles, more or less; thence westerly along

the Chambers - Lee County line and the half Section line of Section 11, Township 20 North, Range 26 East, for a distance of 0.5 miles, more or less; thence northerly along the half Section line of Section 11, Township 20 North, Range 26 East, for a distance of 0.5 miles, more or less; thence westerly along in Chambers - Lee County line and the northern boundary of Section 11 and 10, Township 20 North, Range 26 East, for a distance of 1.0 miles, more or less; thence southerly along the Chambers - Lee County line and the half Section line of Section 10, Township 20 North, Range 26 East, for a distance of 1.0 miles, more or less; thence westerly along the Chambers - Lee County line and the southern boundary of Section 10, 9, 8, and 7, Township 20 North, Range 26 East, for a distance of 3.0 miles, more or less, thence northerly along the Chambers - Lee County line and the half Section line of Section 7, Township 20 North, Range 26 East, for a distance of 0.5 mile, to the center of Section 7, Township 20 North, Range 26 East, Chambers County, Alabama; thence westerly along the Chambers - Lee County line and the half Section line of said Section 7 for a distance of 0.5 miles, more or less, to the northeast corner of the southeast quarter of Section 12, Township 20 North, Range 25 East, Chambers County, Alabama; thence southerly along the eastern boundary of said Section 12, for a distance of 0.5 miles, more or less, to the southeast corner of said Section 12; thence westerly along the Chambers - Lee County line and the southern boundary of Section 12, 11, 10, 9, and 8, Township 20 North, Range 25 East, Chambers County, Alabama for a distance of 4.5 miles, more or less, to the southwest corner of the southeast quarter of Section 8, Township 20 North, Range 25 East; thence northerly along the Chambers - Lee County line and the half Section line of the said Section 8 for a distance of 0.5 miles, more or less, to the southeast corner of the northwest quarter of said Section 8; thence westerly along the Chambers - Lee County line and the southern boundary of the northwest quarter of said Section 8 for a distance of 0.5 miles, more or less, to the northeast corner of the southeast quarter of Section 7, Township 20 North, Range 25 East, Chambers County, Alabama; thence southerly along the Chambers - Lee County line and the eastern boundary of the southeast quarter of said Section 7, for a distance of 0.5 miles, more or less, to the southeast corner of said Section 7; thence westerly along the Chambers - Lee County line and the southern boundary of said Section 7, for a distance of 1.0 mile, more or less, to the southwest corner of Chambers County, Alabama and the point of beginning.

DISTRICT 3. Beginning at the northwest corner of Section 2, Township 22 North, Range 27 East, Chambers County, Alabama; thence easterly along the northern boundary of Township 22 North of said Chambers County, Alabama for a distance

of 7.0 miles, more or less to the eastern boundary of Chambers County, Alabama and the western boundary of Troup County, Georgia; thence southeasterly along the eastern boundary of Chambers County, Alabama and the western boundary of Troup County and Harris County, Georgia for a distance of 5.6 miles, more or less to Interstate Highway number 85; thence southwesterly along Interstate Highway number 85 for a distance of 1.0 miles, more or less, to Moores Creek; thence northwesterly along Moores Creek for a distance of 0.8 miles, more or less, to Alabama Highway number 50; thence easterly along Alabama Highway number 50 for a distance of 200 feet, more or less, to the Lanett City limits; thence northwesterly along the Lanett City limits for a distance of 3650 feet, more or less, to the southern boundary of Section 26, Township 22 North, Range 28 East, of said County and State; thence westerly along the Lanett City limits and the southern boundary of the said Section 26 for a distance of 3200 feet, more or less, to the southwest corner of said Section 26; thence north along the Lanett City limits and the western boundary of said Section 26 for a distance of 2640 feet, more or less, to the one half Section Line of Section 26, Township 22 North, Range 28 East; thence easterly along the one half Section Line and 1st Street in the City of Lanett for a distance of 5300 feet, more or less, to North 11th Avenue in the City of Lanett; thence northerly along North 11th Avenue for a distance of 5250 feet, more or less, to North 18th Street in the City of Lanett; thence southeasterly along North 18th Street in the City of Lanett for a distance of 1050 feet, more or less, to North 8th Avenue in the City of Lanett; thence northeasterly along North 8th Avenue and beyond for a distance of 1600 feet, more or less; thence northwesterly along the Lanett City limits for a distance of 700 feet, more or less; thence southerly along the Lanett City limits for a distance of 900 feet, more or less; thence northwesterly along the Lanett City limits for a distance of 2850 feet, more or less, to the Northwest corner of the Lanett City Limits; thence in a generally southwesterly direction along the Lanett City limits for a distance of 9400 feet, more or less, to the northern boundary of Section 26, Township 22 North, Range 28 East, Chambers County, Alabama; thence westerly along the northern boundary of said Section 26 and the City Limits of Lanett for a distance of 2400 feet, more or less, to the southwest corner of Section 23, Township 22 North, Range 28 East, Chambers County, Alabama; thence southerly along the eastern boundary of Section 27, Township 22 North, Range 28 East, Chambers County, Alabama for a distance of 1000 feet, more or less, to the Providence Church Road; thence westerly and southwesterly along the Providence Church Road for a distance of 6 miles, more or less, to Alabama Highway number 50; thence westerly and northwesterly along Alabama Highway number 50 for a distance of 0.8 miles, more or less

to the southwest corner of Section 23, Township 22 North, Range 27 East; thence northerly along the western boundary of Section 23, 14, 11, and 2, Township 22 North, Range 27 East, for a distance of 4 miles, more or less, to the northwest corner of Section 2, Township 22 North, Range 27 East, Chambers County, Alabama and the point of beginning.

DISTRICT 4. Beginning at the southwest corner of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama which is also the southern boundary of said Chambers County and the northern boundary of Lee County, Alabama; thence northerly along the western boundary of Range 28 East, for a distance of 7 miles, more or less, to the northwest corner of Township 21 North, Range 28 East, Chambers County, Alabama; thence easterly along the northern boundary of Township 21 North, Range 28 East, Chambers County, Alabama for a distance of 3.4 miles, more or less, to the Hop Lewis Road; thence northerly along the Hop Lewis Road for a distance of 600 feet, more or less; thence northeasterly along an unnamed creek for a distance of 7500 feet, more or less, to Moores Creek; thence southeasterly along Moores Creek for a distance of 7000 feet, more or less, to Interstate Highway number 85; thence northeasterly along Interstate Highway number 85 for a distance of 5400 feet, more or less, to the eastern boundary of Chambers County, Alabama and the western boundary of Harris County, Georgia; thence meandering in a generally southerly direction along the western boundary of the Chattahoochee River at mean water level, which is also the eastern boundary of Chambers County, Alabama and the western boundary of Harris County, Georgia for a distance of 1.9 miles, more or less, to the Southern Natural Gas line; thence southwesterly along the Southern Natural Gas line for a distance of 2.1 miles, more or less, to Moores Creek; thence southerly and southeasterly along Moores Creek for a distance of 1.3 miles, more or less, to the Red Dirt Hill Road (Chambers County Highway number 18) at Langdale; thence westerly, northwesterly and southwesterly along the Red Dirt Hill Road (Chambers County Highway number 18) for a distance of 2.5 miles, more or less, to Interstate Highway number 85; thence southwesterly along Interstate Highway number 85 for a distance of 7.7 miles, more or less, to the southern boundary of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama, which is the southern boundary of Chambers County, Alabama and the northern boundary of Lee County, Alabama; thence westerly along the southern boundary of Section 6, Township 20 North, Range 28 East, and the Chambers-Lee County line for a distance of 0.15 miles to the southwest corner of Section 6, Township 20 North, Range 28 East and the point of beginning.

DISTRICT 5. Beginning at the intersection of the Chambers-Lee County line and Interstate Highway number 85, which

is also the southern boundary of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama; thence northeasterly along Interstate Highway number 85 for a distance of 7.7 miles, more or less, to the intersection of Interstate Highway number 85 and the Red Dirt Hill Road (Chambers County Highway number 18); thence easterly, northeasterly and southeasterly along the Red Dirt Hill Road (Chambers County Highway number 18) for a distance of 2.5 miles, more or less, to Moores Creek at Langdale; thence northerly and northwesterly along Moores Creek for a distance of 1.3 miles more or less, to the Southern Natural Gas line; thence northeasterly along the Southern Natural Gas line for a distance of 2.1 miles, more or less, to the eastern boundary of Chambers County, Alabama and the western boundary of Harris County, Georgia, the mean water level and western boundary of the Chattahoochee River; meandering in a southerly direction along the western boundary of the Chattahoochee River, the eastern boundary of Chambers County, Alabama and the western boundary of Harris County, Georgia for a distance of 10 miles, more or less, to the southeast corner of Chambers County, Alabama and the northern boundary of Lee County, Alabama; thence westerly along the southern boundary of Chambers County, Alabama and the northern boundary of Lee County, Alabama for a distance of 8.6 miles, more or less, to the intersection of Interstate Highway number 85 and the point of beginning."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 182

H. 439—Smith (M), Higginbotham

AN ACT

To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Chambers County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise

become disqualified from voting in Chambers County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified elector for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1978, the board of registrars of Chambers County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State

Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any persons, or the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Chambers County, Alabama, during the period of time from the effective date thereof to January 1, 1978.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be outside of Chambers County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The county governing body of Chambers County

is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Chambers County, Alabama

Date _____, 197____

Name _____

First Middle Last

Legal Residence Address _____

Street

City or Town _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____ County, and I have not been disqualified from voting in this county, I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____

Signature of Voter

Sworn to and subscribed before me this _____ day of

_____, 19____,

Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 183

H. 556—Drake, Sparks

AN ACT

To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. It shall be unlawful to kill any fox except in the course of hunting on horseback or if the animal is caught in the act of committing or attempting to commit depredation to livestock or poultry and the owner or lessee of the property permits or directs any such fox to be killed. Provided, however, the provisions of this act shall not apply to any fox that is a menace to the health and safety of a human being.

Section 3. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 184

H. 602—Smith (M), Higgingbotham,
Morris, Turnham

AN ACT

Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical

personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chambers County Commission shall employ sufficient appraisers, mappers, clerical personnel and other personnel to maintain on a current basis the appraisal and mapping of all real property and valuation of personal property within the county.

Section 2. The Revenue Commissioner shall prescribe the functions, duties and responsibilities of these personnel to insure all property is properly appraised, mapped and valued in accordance with the law.

Section 3. The county tax collector shall collect the cost of the appraisal and mapping program from the various county ad valorem tax funds. The custodian of each county ad valorem tax fund shall pay the pro rata share of the cost of appraising and mapping the property which is taxed by said custodian's ad valorem tax fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 185

H. 652—Plaster

AN ACT

Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The governing body of all counties to which this act applies shall provide each member of the Board of

Registrars at least fifteen dollars (\$15.00) per day and not more than twenty-five dollars (\$25.00) per day compensation for each day's attendance on sessions of the board. This compensation shall be in addition to any and all other compensation provided the members of the Board of Registrars by law.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall be retroactive to October 1, 1974.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 186

H. 671—Smith (J)

AN ACT

To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Such county commission shall employ sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 3. The Revenue Commissioner shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and valued in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 4. The Revenue Commissioner shall collect the cost

of this appraisal and mapping program, which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

Section 5. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 187

H. 717—Manley, Callahan

AN ACT

To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama hereby determines that Title 16, Chapter 13, Article 3, Section 16-12-56 of the Manuscript of the Code of 1975 does not correctly reflect the Alabama Law on this subject immediately prior to the adoption of such manuscript. Therefore, the Code Commissioner is hereby directed to correct that section and to make it read as follows:

“Section 16-13-56. Total local funds for state.

“The state board of education shall determine the total local funds available to provide the minimum school program for the entire state as follows: Multiply one half of one percent by the total assessed valuation of the state on which taxes were due and collectible for the fiscal year beginning October 1, 1938, and the product shall be counted as the total local funds available for the support of the state minimum school program. (Acts 1939, No. 346, p. 479; Code 1940, T. 52, Section 213.)”

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 188

H. 727—Rich

AN ACT

TO ALTER OR REARRANGE THE BOUNDARY LINES OF THE TOWN OF CEDAR BLUFF, CHEROKEE COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID TOWN ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO OTHER TERRITORY CONTIGUOUS THERETO, IN CEDAR BLUFF, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Cedar Bluff, Alabama, Cherokee County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Cedar Bluff and in addition thereto the following described territory, to-wit:

The Southeast Quarter of the Southeast Quarter of Section 19; the South Half of Section 20, West of Alabama Highway #68; the South Half of the Southwest Quarter of Section 27; the Southeast Quarter of the Southeast Quarter of Section 28; the North Half of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 29 West of Alabama Highway #68; the Northeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 30; the Northeast Quarter of the Northeast Quarter of Section 31; the North Half of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter less and except the Southwest Quarter of the Southeast Quarter of the Southeast Quarter, the East Half of the Northeast Quarter, the South Half of the Southwest Quarter of the Northeast Quarter of Section 33; the Northwest Quarter, the Southwest Quarter, the West Half of the Southeast Quarter of Section 34; all the Township 9 South of Range 10 East.

Also the Northwest Quarter of the Northwest Quarter of Section 3; and the East Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 4; all in Township 10 South, Range 10 East.

There is excepted from all the above described lands that portion of said lands which lie below that certain datum plane

of 565 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January, 1955.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 189

H. 729—McCluskey

AN ACT

To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Racoons and opossums may be legally hunted and taken at night by catching or billing with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in any county to which this act applies.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 190

H. 742—Roberts, Cross, Martin, Drake

AN ACT

Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Commission may, upon such terms as it deems proper, contribute money and materials to volunteer rural fire departments organized in Morgan County according to law. Monies budgeted shall be contributed when matched by the recipient by an equal amount.

Section 2. The County Commission may assist such volunteer rural fire departments in obtaining liability insurance for its vehicles and life and accident policies for the members of the departments to the extent and upon the terms as it deems proper, including, without limiting the generality of the foregoing, arranging for the inclusion of such insurance as a part of the county insurance on vehicles and employees.

Section 3. Requirements of rural fire departments to be eligible for county matching funds:

- (1) Must have a minimum of 15 members.
- (2) Maintain a duty roster to give 24 hours coverage.
- (3) Maintain equipment in state of readiness.
- (4) At least one year after joining, 75 percent of all active members must take the rural firefighters basic course.
- (5) A minimum of 50 percent of all personnel must be trained in first aid.
- (6) Maintain a set of books for auditing purposes-equipment and monies.
- (7) Units must be willing to respond to all county emergencies requiring assistance.
- (8) The unit must be a member of the Morgan County Rural Firefighters Association.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The operation of this Act shall be retroactive to January 1, 1976, and all actions taken and payments made as herein authorized on and after that date are ratified and confirmed.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 191

H. 743—Martin, Roberts, Drake, Cross

AN ACT

Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Morgan County is hereby directed to transfer all records and lists in his custody relating to electors or voting to the board of registrars of Morgan County. The board of registrars shall, upon request, supply to the probate judge from time to time such transferred information or lists as may be necessary to the fulfillment of his lawful duties.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 192

H. 782—Dial

AN ACT

Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Cleburne County shall be entitled to receive compensation as follows:

- (a) The judge of probate, an annual salary of \$20,000.00
- (b) The tax assessor, an annual salary of \$14,400.00
- (c) The tax collector, an annual salary of \$14,400.00

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, and tax collector, hereafter shall be collected and paid into the general fund of the county.

Section 3. The governing body of Cleburne County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective as to the tax assessor and the tax collector upon the expiration of their respective terms of office and as to the judge of probate this act shall have retroactive effect and shall apply from and after the beginning of the term of office of the judge elected at the general election in 1976.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 193

H. 836—McMillan

AN ACT

To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Satsuma, Mobile County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Satsuma and in addition thereto the following described territory to-wit:

That certain real property situated in Mobile County being more particularly described as follows, to-wit:

Beginning at the Northwest corner of Section 28, Township 2 South, Range 1 West, thence East along the North lines of Sections 28 and 27 to the East line of Orchard Street; thence South to a point on the East line of Orchard Street and its intersection with the extension of the North line of the Second Unit of Timberland Estates Subdivision; thence West along said North line to the Northwest corner of said subdivision; thence South along the West line of said subdivision and extended to the South line of Baker Road; thence East along the South line of Baker Road to a point of intersection with the Southward extension of the East line of the Second Unit of Timberland Estates and the West line of the First Unit of Timberland Estates extended Southwardly; thence Northwardly along the West line of the First Unit of Timberland Estates to the Northwest corner of said subdivision; thence East to the East line of Orchard Street; thence South to the Southeast corner of the Northwest one-quarter of Section 27 (if it were a regular section); said point being the Southwest property corner of corner of the Nader Tract and being an the South line of Section 26, Township 2 South, Range 1 West; thence West along the South line of Section 26 and extended to the East line of Hartley Road; thence North to a point on the East line of Hartley Road, said point being 451.0 feet, more or less, South of the South line of Baker Road; thence West to the East line of Section 28, Township 2 South, Range 1 West; thence South along said Section line to the Northeast corner of Suburban Court Subdivision; thence West along the North line of Suburban Court Subdivision to a point on the Southward extension of the West line of the Second Unit of Scanlan Way Subdivision; thence North along the West line of the Second Unit of Scanlan Way Subdivision to a point on the Eastward extension of the North line of the Saraland Corporate Limits and the North line of the South one-half of Section 28, Township 2 South, Range 1 West; thence West along said line to the West line of Section 28, Township 2 South, Range 1 West; thence North to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 194

H. 850—Carter, Moore (M)

AN ACT

Relating to Limestone County; to authorize the county commission

to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Limestone County is hereby authorized to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 195

S. 238—Mr. Little

AN ACT

To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census.

Section 2. The county historian shall be selected by the county commission and shall serve at the pleasure of the appointing authority.

Section 3. The county historian shall receive no compensation for his services. The county commission shall have authority to supply any necessary office supplies for the county historian to carry out the duties of the office.

Section 4. The county historian's duties shall include supplying county officials with historical data upon request, advising county officials regarding historical matters, seeking to preserve historic landmarks within the county and informing the general public of the history of the county. The county commission shall have authority to designate additional duties and grant additional powers to the county historian.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 196

H.J.R. 374—Killian

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE W. J. HARALSON.

WHEREAS, the legislature of Alabama has learned with a sense of loss and deep regret of the death of Judge W. J. Haralson of Fort Payne, Alabama, on February 28, 1977; and

WHEREAS, Judge Haralson, son of the late Judge William Wallace Haralson and Fannie Campbell Haralson, attended school in Fort Payne and graduated from Marion Military Institute and the University of Alabama; he was a graduate of the Cumberland School of Law, Lebanon, Tennessee, in 1926, entered the practice of law with his father in 1927, and, in 1936 was elected Judge of DeKalb Court, serving one four-year term; and

WHEREAS, in 1940 he was elected Judge of the Ninth Judicial Circuit, as were both his father and grandfather before him, and served in this capacity for five consecutive terms, a total of 30 years, before being assigned by Chief Justice Howell Heflin to the Alabama Court of Criminal Appeals where he wrote over one hundred appellate opinions during his first tenure; he returned in 1975 to serve the Ninth Circuit as Supernumerary Judge, was appointed in 1976 to the Special Alabama Supreme Court, following the recusal of the nine members of this court, and, at the time of his death, had been reappointed to the Court of Criminal Appeals; and

WHEREAS, Judge Haralson, with dedication and deep devotion to the law, further served his profession as President of the Alabama Circuit Judges Association in 1944-45; he was instrumental in organizing the law library for DeKalb County

and, well-liked and highly respected by his fellow members of the bar, he also served as an inspiring example to many young attorneys who always sought "The Judge's" advice when in need of sound reasoning and wise counsel; and

WHEREAS, he was an active and deeply involved, lifelong member of the First Presbyterian Church of Fort Payne, was an elder for almost 40 years and, also, a member of the Board of Trustees of the North Alabama Presbytery; he was a mason and a charter member of the Fort Payne Lions Club; and

WHEREAS, Judge Haralson, highly regarded in his community and respected statewide for his judicial acumen, was a devoted husband and father, a kind and gentle man who was beloved of family and countless friends and will be long remembered and sorely missed by all those whose lives he touched; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn and regret the death of this fine Christian man, Judge W. J. Haralson, and extend our sincere sympathy to his wife, Mrs. LeDelle Hawkins Haralson; his daughter, Mrs. James R. Bratton of Houston, Texas; his son, William Wallace Haralson of Scottsboro; and other family members to whom copies of this resolution shall be sent.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 197

H.J.R. 391—Hill, Greer, Coburn, Goodwin

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

WHEREAS, the UNA Lions captured the championship of the NCAA Division II Regional playoffs and, playing brilliantly, advanced to the national semifinals at Springfield, Massachusetts, where on March 19, 1977, their decisive 93-77 victory over Sacred Heart University put them in the nation's number 3 spot, marking the highest level of play, not only for UNA, but for any Gulf South Conference team; and

WHEREAS, UNA's 24-7 season record also marks another first for the Lions, the most wins ever for any GSC school, an accomplishment due in large measure to the enthusiastic team spirit displayed by each player in every game throughout the entire season; and

WHEREAS, Head Coach Bill Jones and Assistant Coaches Tom Suitts and Gerald Douglass are deserving of credit and praise for the high degree of technical skill displayed in team play, with appreciation due also to Managers Donny Gerald Strawn and Belton Jones for their work towards this greatly successful season, and to Statistician James Monroe; and

WHEREAS, the University of North Alabama, the Gulf South Conference, and the state of Alabama were represented in this national competition by team members: James William Armstrong, James Otis Boddie, Freddie Louis Copeland, Richard Lee Hartry, Billy Ray Hill, Gerald Lavender, Garry Wayne Moore, Timothy John Morgan, Stephen Lee Sanders, Connie Lynn Vaughn, Ricky Daryl Vaughn, and Larry Edward Vinson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the UNA Lions for championship participation and for ranking 3rd in the nation in the NCAA Division II finals, and direct that copies of this resolution be sent to UNA President, Robert M. Guillot and to Head Coach Billy Lee Jones.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 198

H.J.R. 396—McNees

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LOUIS HODGES.

WHEREAS, the Alabama Legislature was deeply saddened to learn of the death of Mr. Louis Hodges, Fayette, Alabama, on March 13, 1977, at the age of 75; and

WHEREAS, Mr. Hodges had been a resident of Fayette for 64 years, since his arrival in July, 1913, from Czarist Russia; and

WHEREAS, much of the credit for the exploration and drilling of Fayette's gas wells is due Louis Hodges whose gas prophecies of 50 years ago were based on his unfaltering belief that Fayette County would be a potentially significant producer of natural gas; this strong belief led him, not only to spend many years drilling on his own, but also to encourage and assist many companies in securing land leases for this valuable resource; and

WHEREAS, Mr. Hodges, who was owner of Hodges De-

partment Store from 1911 until its recent closing, was a Mason, a Shriner, a member of the Scottish Rite and of The Temple Emanuel of Tuscaloosa; and

WHEREAS, his life reflected the rare and admirable qualities of foresight, perseverance and capacity for leadership; he was a highly respected businessman who will be sadly missed and remembered with deep affection by all those who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Louis Hodges and extend our sympathy to his brothers, Aaron Hodges of Tuscaloosa and Isadore Hodges of St. Petersburg, Florida, and other family members to whom copies of this resolution shall be sent.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 199

H.J.R. 398—Sparks

HOUSE JOINT RESOLUTION

NOTING THE 16TH ANNUAL WINSTON COUNTY "CHITTLIN" SUPPER.

WHEREAS, the Alabama Legislature notes with interest that the 16th annual Winston County "Chittlin" Supper was held March 18, 1977, at the Meek High School gymnasium in Arley, Alabama, with all proceeds used, as always, for worthy charitable purposes; and

WHEREAS, this event, the biggest fete of its kind in North Alabama, was tremendously successful with more than 1,200 "chittlin" lovers served during the evening; 900 pounds of chitterlings were prepared for the supper, 150 pounds of chicken for those who did not care for the other Southern delicacy, also cracklin' cornbread, buttermilk and onions; and

WHEREAS, in addition to the finest fare this side of the Land of Milk and Honey, door prizes were awarded, musical entertainment provided, and a buck dancing contest and one for the hog callers were held; and

WHEREAS, further, this body recognizes that events such as this serve not only to provide wholesome family entertainment for hundreds of Alabama citizens, but also the useful and commendable purpose of helping to preserve and promote the customs, music and singular foods native to our state and area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with interest and delight news of the 16th annual Winston County "Chittlin" Supper, and also commend the many civic-minded citizens of Winston County who devoted untold hours of work and preparation to make this annual event the tremendous success it was.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 200

H.J.R. 401—Killian, Cross, Roberts

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

WHEREAS, the Alabama Legislature notes that the Tom Drake family of Cullman, Alabama, already blessed with three fine and accomplished children, Thomas E. Drake, II, George W. Drake and lovely daughter Mary, are now the proud parents of a second daughter, Christy Lee, born March 14, 1977; and

WHEREAS, aware as we are that Representative Drake is a most distinguished member of this body, presently serving as Chairman of the important Rules Committee, and a member of the Alabama and Cullman Bar Associations who also enjoys a statewide reputation as an outstanding professional wrestler, we are especially pleased to know that, from all reports, little Christy Lee fortunately has inherited her physical characteristics, loveliness and charm from her mother, Chris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate our esteemed colleague Tom Drake and his wife Chris on their enviable family, and direct that copies of this resolution be sent to them and to each of their four fine children.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 201

H.J.R. 402—Boles, Tucker, McNair, Biddle,
Jolly, Hall, Porter, Andrews,
Falkenburg, White, Gafford,

Moore (O), Trammell,
Waggoner, Hilliard, Howard,
Leonard, Armstrong, Harrison,
Jackson (R)

HOUSE JOINT RESOLUTION

COMMENDING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, Pittman Junior High School, Hueytown, Alabama, won the Jefferson County Junior High School Large League Football Championship; and

WHEREAS, this team had an enviable 8-0 record for the season, amassing a total of 255 points while ceding only 48 points to their opponents; and

WHEREAS, the spirit of this outstanding team, so ably coached by Head Coach Cecil Duke and assistants, John McCarver and Michael Boyd, reflects the loyal support of their fellow students, faculty, parents and other fine citizens of their community; and

WHEREAS, all members of the team worked together, as one, with diligent and dedicated practice to achieve this goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend, highly praise and heartily congratulate the Pittman Junior High School football team on winning their county's Large League Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Richard Farrar, on behalf of the school, and to Coach Cecil Duke for his team.

Approved April 7, 1977

Time: 5:30 P.M.

Act No. 202

H.J.R. 416—Gregg, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison,

Shoemaker, Hill, Hilliard,
 Hines, Holley, Holmes (A),
 Holmes (D), Hopping, Howard,
 Jackson (F), Jackson (R),
 Johnson, Johnstone, Jolly,
 Kelley, Kennedy, Killian,
 Kinsey, Lee, Leonard, Lewis,
 Lockett, McCluskey, McCulley,
 McMillan, McNair, McNees,
 Manley, Martin, Merrill,
 Mitchem, Moore (O),
 Moore (W), Morris, Naramore,
 Owens, Pegues, Plaster, Porter,
 Quarles, Reed, Rich, Riddick,
 Roberts, Robertson, Sandusky,
 Sasser, Shelton, Smith (B),
 Smith (C), Smith (J),
 Smith (M), Sonnier, Sparks,
 Starkey, Taylor, Trammell,
 Tucker, Turnham, Venable,
 Waggoner, Warren, Weeks,
 Whatley, White, Williams,
 Wyatt, Younce

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. GRAY B. LUTZ

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death of Mrs. Gray B. Lutz on Tuesday March 22, 1977 in Huntsville, Alabama at the age of 71; and

WHEREAS, Mrs. Lutz, the Mother of our esteemed colleague in the House, Representative Hartwell Lutz, was a lifelong resident of Huntsville, a highly respected and beloved member of her community who will be deeply missed and remembered long with love by her family, her many friends and by all those whose lives she touched; and

WHEREAS, she was an actively involved member of the First Presbyterian Church of Huntsville, giving generously of her time in devoted service to her church and to the civic and charitable affairs of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Mrs. Gray B. Lutz and direct that a copy of this resolution be presented to our friend, Hartwell Lutz, as evidence that we share in his great loss.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 203

H.J.R. 417—Johnson, Robertson, Lee

HOUSE JOINT RESOLUTION

HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Legislature of Alabama recognizes that C. M. Newton, head basketball coach at the University of Alabama, is the man responsible for the Crimson Tide's phenomenal rise to national prominence, and if "All experience is an arch to build upon," Coach Newton began with an abundance of experience and talent, added perseverance and brilliance to produce teams that, undeniably, have put Alabama basketball in the spotlight as one of the top teams in the nation; and

WHEREAS, under Coach Newton, the University of Alabama can boast of a 114-28 record over the past five years; he led Alabama to a school record 25 victories in 1976-77, to its third national tournament berth and its fourth invitational in five years; and

WHEREAS, this year he was a charter inductee into the Sports Hall of Fame in his hometown of Fort Lauderdale, Florida; he has been selected to coach the South team in the prestigious Aloha Classic in Honolulu, Hawaii this Spring, and will conduct basketball camps for young people around the state for the sixth straight year in a row; and

WHEREAS, Coach Newton also has been a lecturer and clinician for numerous basketball associations and for the United States Department of State, both in the United States and in other countries; and

WHEREAS, in addition to his arduous and time-consuming responsibilities as Alabama's head basketball coach, he has further extended his activities and involvements to include serving as chairman of recruiting for the Black Warrior Council, Boy Scouts of America, and is active also in numerous civic affairs throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Coach C. M. Newton for excellence and for his dedicated interest in the young athletes of our state and nation; we are aware, and appreciate, that he has given the University of Alabama one of the most respected and most successful basketball programs in the country, and, as a token of our high esteem, direct that Coach Newton be presented with a copy of this resolution.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 204

H.J.R. 418—Johnson, Robertson, Lee

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

WHEREAS, the University of Alabama basketball team won a school record 25 games in 1976-77 to become the fifth straight Alabama team to win 22 or more games in a season, thus ranking the Crimson Tide among only a handful of teams in the nation in this category; and

WHEREAS, they won the prestigious Dayton Invitational for the second time in Alabama basketball history and also won the Carolina Classic, becoming the first team in Crimson Tide history to win two tournaments in one season; and

WHEREAS, this talented team earned a berth in the nation's oldest national basketball tournament, the National Invitation Tournament, in New York's Madison Square Garden and reached the semifinals for the second time in Alabama's history; it was the third consecutive year, and fourth in five years, for them to be invited to a post-season national basketball tournament; and

WHEREAS, each member of the team, both offense and defense, played the entire season with skill and brilliance; and individually, senior Ricky Brown received honorable mention for All-SEC, and senior T. R. Dunn and Sophomore Reggie King made the All-Southeastern Conference first team with Dunn also being named the Conference's best defense player by a special vote of the captains of the SEC teams; and

WHEREAS, for the fifth straight year, the Crimson Tide had a starting lineup made up entirely of players from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and applaud the University of Alabama's Crimson Tide for their outstanding season, and for the fame, honor and glory they have brought to our state in prestigious national competition and tournament championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Head Coach C. M. Newton and his capable staff, and to each member of the team.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 205

H.J.R. 425—Folmar

HOUSE JOINT RESOLUTION

NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY"

WHEREAS, Ralph Wyatt Adams has completed thirty-four years of distinguished service in the military; and

WHEREAS, Ralph Wyatt Adams has served the state and the nation in the National Guard as Assistant Adjutant General of the Alabama Air National Guard and as Acting Chief of Staff of the Alabama Air National Guard; and

WHEREAS, Ralph Wyatt Adams has served many years as a member of the American Legion and is Past Commander of the Montgomery Post No. 2 and is presently a member of the Troy Post No. 70 and a member of the American Legion Boys State Committee; and

WHEREAS, Ralph Wyatt Adams has been instrumental in bringing a new National Guard unit and a new armory to the City of Troy; and

WHEREAS, Ralph Wyatt Adams was instrumental in securing land for a new armory building and is therefore responsible for the actual location of the proposed armory; and

WHEREAS, Ralph Wyatt Adams has been an ardent supporter of all facets of the National Guard, has shown a special pride in the National Guard and in the planning of the new armory and has contributed substantially to establishing an excellent relationship between the National Guard and the City of Troy;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, that the new National Guard Armory to be constructed in the City of Troy, Alabama, be named the "Ralph Wyatt Adams National Guard Armory" in honor of Ralph Wyatt Adams, and that the Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Ralph Wyatt Adams.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Dr. Ralph Wyatt Adams and the Alabama National Guard.

Approved April 7, 1977.

Time: 5:30 P.M.

Act No. 206

S. 549—Mitchell

AN ACT

Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The sheriff's fund in such counties shall be drawn upon by the sheriff or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

Section 3. All laws or parts of laws, general and local, in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 207

H. 338—Hill

AN ACT

To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Be It Enacted by the Legislature of Alabama:

Section 1. The Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice. Said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 208

H. 89—Naramore, Crowe

AN ACT

To provide sick leave for school bus drivers and full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of control of city and county school systems and the Alabama Institute for Deaf and Blind shall provide for the payment for school bus drivers and all full-time support personnel who are non-certificated educational employees for absences resulting from sickness, accidents or some other unavoidable cause which prevents such employee from discharging his/her duties, and provided, that any employee not utilizing or being paid for the sick leave in any one year may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system or institution or for any other school system or institution in which the employee may later be employed until he/she shall accumulate a maximum of ninety days. The reasons for granting sick leave shall be the same as those for teachers.

Section 2. The superintendent of the school system shall certify to the State Board of Education the actual number of days taken and the actual number of substitutes employed and the cost involved. The State Board of Education shall reimburse the local boards of education for no more than actual costs of employing substitutes up to the amount paid substitute teachers. Should the funds appropriated be insufficient, each board shall be reimbursed on a pro rata basis. The Alabama Institute for Deaf and Blind shall handle all transactions relating to its sick leave programs in the same manner as all other state agencies do for their employees.

Section 3. All laws or parts of laws in conflict herewith are expressly repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 209

H. 91—Higginbotham, Turnham, Whatley

AN ACT

To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Authority” means a public body organized as a body corporate and politic in accordance with the provisions of this act for the purposes, with the powers and subject to the restrictions hereinafter set forth.

“Board” means the Board of Directors of the authority.

“Director” means a member of the Board of Directors of the authority.

“Governing Body” means the body or board by whatsoever name it may be known, having charge of the finances of a municipality.

"Municipality" means any city or town incorporated under the laws of the State of Alabama.

Section 2. Each incorporated municipality in the State of Alabama may, in such manner as may be authorized or provided by law for the acquisition of lands, buildings, facilities, and improvements for public purposes, acquire or lease lands, buildings, facilities, and improvements situated in whole or in part inside or outside the corporate limits of such municipality for parks, park areas, playgrounds, recreational or athletic centers, stadiums, and other recreational or athletic purposes and activities; provided, however, that no such park, playground, or recreational or athletic area or facility shall be located, in whole or in part, within the corporate limits or the police jurisdiction of another municipality unless the governing body of such other municipality has first adopted a resolution consenting to the location therein of such park, playground or recreational or athletic area or facility; and provided further, that no such park, playground or recreational or athletic area or facility shall be located, in whole or in part, in a county other than that in which the municipality establishing the same shall be situated unless the county commission or other governing body of such county has first adopted a resolution consenting to the location therein of such park, playground or recreational or athletic area or facility.

Section 3. All authority heretofore or hereafter granted to municipalities to acquire, to provide, to establish, to finance (including the issuance of bonds, warrants, or other obligations to pay the cost thereof), to own, to use, to operate, to manage and to control (including the fixing of fees and the charging for access to and the use and enjoyment thereof and the making of rules and regulations with respect thereto) parks, playgrounds, and recreational or athletic areas or facilities situated within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic areas or facility situated, in whole or in part, outside its corporate limits.

Section 4. A municipality may join and cooperate with one or more other municipalities in acquiring, providing, establishing, financing, refinancing, operating, managing and controlling and conducting parks, playgrounds and recreational or athletic areas or facilities, making them common to the use of such municipalities and the inhabitants thereof and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof. All municipalities so joining or cooperating shall jointly have the same powers and authority herein conferred on each.

Section 5. The governing bodies of two or more municipi-

palities may authorize the organization of an authority as a public corporation with powers herein set forth for the purpose of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas making the same unto the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof. To organize such a corporation, not less than three natural persons shall file with the governing body of each municipality an application in writing for permission to incorporate a public corporation under the provisions of this act and shall attach to such application a proposed form of a certificate of incorporation of such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation in authorizing the formation of such a public corporation, then said applicant shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner hereinafter provided, using for that purpose the form of certificate so approved.

Section 6. The certificate of incorporation of the authority shall state: (a) The names of the persons forming the authority together with the residence of each thereof; (b) The name of the authority; (c) The period for the duration of the authority (if the duration is to be perpetual the fact should be so stated); (d) The names of the authorizing municipalities together with the date on which the governing bodies thereof adopted a resolution authorizing the incorporation of the authority; (e) The proposed location of the principal office of the authority, which shall be within the boundaries of one of the authorizing municipalities; (f) A statement as to whether employees of the authority shall or shall not be subject to civil service laws, retirement laws, and disability laws applicable to employees of one of the authorizing municipalities which may be then in effect or thereafter enacted; and (g) Any other matters relating to the authority that the incorporators may choose to insert and that is no inconsistent with this act or with the laws of the state.

Section 7. The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgment to deeds and shall have attached thereto a certified copy of the resolution provided for in Section 5 hereof and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. The certifi-

cate of incorporation of the authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the authority shall be vested with the rights and powers herein granted.

Section 8. Each authority shall be governed by a Board of Directors of five or more members, all but one of which shall be appointed by the governing bodies of the municipalities and be residents of the municipalities they represent. Each participating municipality shall be entitled to appoint at least two members of the Board. The members appointed by the governing bodies of the municipalities shall then select one additional member. The Board shall then elect a chairman from its membership. No officer of the state or any county, city or town therein shall, while holding such office, be eligible to serve as a director. The term of office of each director shall be for no more than four years. If any director resigns, dies, or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be appointed in the manner prescribed hereinabove. The director shall be eligible for reappointment.

A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all powers and duties of the authority. The Board of Directors shall hold regular meetings as may be provided in the by-laws of the authority; and the board may hold other meetings at any time and from time to time, provided that upon the call of the chairman of the authority or any two directors, a special meeting of the board must be held. Any matter on which the Board of Directors is authorized to act may be acted upon at any regular, special or called meeting. All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book and open to each director and to the public at all time. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director may also be compensated by the

authority. Any director of the authority may be impeached or removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment or removal of officers.

Section 9. The authority shall have the following powers, together with all powers incidental thereto or necessary to discharge thereof in the corporate form:

(a) to have succession by its corporate name for the duration (which may be in perpetuity) specified in its certificate of incorporation;

(b) to sue and be sued in its own name in civil suits and actions;

(c) to adopt and make use of a corporate seal and to alter the same at pleasure;

(d) to adopt and alter by-laws for the regulation and conduct of its affairs in business;

(e) to acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed and to manage said property, and to develop any undeveloped property owned, leased or controlled by it;

(f) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this act or the exercise of any powers granted hereunder;

(g) to acquire, finance, refinance, provide, establish, install, and manage parks, playgrounds, and recreational or athletic areas;

(h) to fix and charge fees and to make rules and regulations for the conduct, management and use of parks, playgrounds, recreational or athletic areas or facilities;

(i) to make and enter into contracts, leases, and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the authority was organized;

(j) to appoint, employ, contract with, and provide for compensation of such officers, employees, and agents, including engineers, attorneys, consultants, physical advisors and such other employees as the business of authority may require including the power to fix working conditions by general rule and other conditions of employment and subject to the provisions of the certificate of such authority, the power and its option to provide a system of disability pay, retirement, compensation

and pensions, or any of them and to hire and fire servants, agents, employees and officers at will:

(k) to cooperate with the state, any county, city, town, public corporation, agency, department or political subdivision of the state, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

(l) subject to the approval of the governing bodies of the authorizing municipalities, to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful;

(m) to purchase equipment and supplies necessary or convenient for the exercise of any power of the authority. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public or private.

Section 10. At any time the authority may be dissolved upon the filing, with the Judge of Probate in the county in which it filed its certificate of incorporation, of an application for dissolution which shall be subscribed by each of the members of the board and sworn to by each member before an officer authorized to take acknowledgment to deeds. Upon filing such application for dissolution the authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in the appropriate book and the record in his office. Upon dissolution all rights, titles and interests of the authority in property shall be vested in the authorizing municipalities.

Section 11. Neither this act nor anything herein contained shall be construed as a limitation or restriction upon any power which a municipality might otherwise have under the laws of the State of Alabama and this act shall be construed as cumulative of such powers.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This action shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 210 H. 154—Lutz, Waggoner, Armstrong, Carter,
 Roberts, Martin, Gafford

AN ACT

To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 235 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 290, Title 28, Code of Alabama 1940, is hereby amended to read as follows:

“Section 290. Election of officers; duties of directors and officers; compensation. At the first meeting and at subsequent times prescribed in the by-laws, the director shall elect a president. The president must be either a member of the board of directors or an employee of the credit union who is not a member of the board of directors. If the credit union elects a president who is not a member of the board of directors, the board of directors shall have the power to remove the president from office in accordance with the by-laws and shall elect from their own number a chairman of the board of directors. At the first meeting and at subsequent annual meetings prescribed in the by-laws, the directors shall elect from their own number, a vice president, secretary and treasurer, of whom the last two may be the same individual. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly: To act on application for membership. To determine interest rates on loans and on deposits, provided that such loans shall be at reasonable rates of interest which shall not exceed one percent per month on unpaid balances. To fix the amount of the surety bond which shall be required of all officers and employees handling money. To declare dividends, and to transmit to the members recommended amendments to the by-laws. To fill vacancies in the board and in the credit committee until successors are chosen and qualify. To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security. To have charge of investments other than loans to members. The duties of the officers shall be as determined in the by-laws. No member of the board or either committee shall, as such, be compensated.”

Section 2. Section 291, Title 28, Code of Alabama 1940, is hereby amended to read as follows:

"Section 291. Credit committee.—The credit committee shall have the general supervision of all loans to members. Applications for loans shall be on a form, prepared by the credit committee, and all applications shall set forth the purpose for which the loan is desired, the security, if any offered, and such other data as may be required. Within the meaning of this section an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the credit committee shall pass on all loans and approval must be unanimous; except that the credit committee may appoint one or more loan officers, and delegate to him or them the power to approve loans. Each loan officer shall furnish to the credit committee a record of each loan approved or not approved by him within seven days of the date of the filing of the application thereon. All loans not approved by a loan officer shall be acted upon by the credit committee."

Section 3. Section 282, Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, is hereby amended to read as follows:

"Section 282. Organization and definition. — Any seven residents of the State of Alabama may apply to the superintendent of banks for permission to organize a credit union. A credit union is a cooperative society, incorporated for the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest, particularly among groups of industrial workers and farmers, fraternal and religious organizations, and in those communities where the citizens of the state are distantly removed from convenient centers of business or easy access to financial agencies now provided for by laws of Alabama. A credit union is organized in the following manner: The applicants execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: The name and location of the proposed credit union. The names and addresses of the subscribers to the certificate and the number of shares subscribed by each. The par value of the shares of the credit union which shall not exceed twenty-five dollars each. They next prepare and adopt by-laws for the governance of the credit union consistent with the provisions of this article, and execute the same in duplicate. The certificate and by-laws, both executed in duplicate, are forwarded to the said superintendent of banks. The said superintendent of banks shall within thirty days of the receipt of said certificate and by-laws, determine whether they conform with the provisions of this article, and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this article. Thereupon the said super-

intendent of banks shall notify the applicants of his decision. If it is favorable he shall issue a certificate of approval, attached to the duplicate certificate of organization, with the certificate of approval attached thereto, with the judge of probate of the county within which the credit union is to do business, who shall make a record of said certificate and return it, with his certificate of record attached thereto, to the said superintendent of banks for permanent record. Thereupon, the applicants shall become and be a credit union, incorporated in accordance with the provisions of this article. In order to simplify the organization of credit unions the said superintendent of banks shall cause to be prepared an approved form of certificate of organization and a form of by-laws, consistent with this article, which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested by-laws."

Section 4. Section 285, Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, is hereby amended to read as follows:

"Section 285. Powers.—A credit union shall have the following powers: To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas clubs, vacation clubs and other such thrift organizations within the membership). To accept deposits of fiduciary funds if a member is the beneficiary, trustee or personal representative and if the funds are part of the estate of a deceased member. To make loans to members. To make loans to other credit unions. To make loans to a cooperative society or other organizations having membership in the credit union. To make loans to a cooperative society or other organizations having membership in the credit union. To deposit in state and national banks, saving and loan associations, the accounts which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation, and of other credit unions. To invest in any investment legal for savings banks or for trust funds in the state. To borrow money from any source and to give its note therefor, provided that such borrowing shall not at any time exceed fifty percent of its assets. To exercise such incidental powers as shall be necessary to enable it to carry on effectively the purposes for which it is incorporated and such other powers as are expressly authorized by the Superintendent of Banks.

In addition to any and all other powers heretofore granted to credit unions, any credit union shall have the power to engage in any activity in which such credit union could engage were such credit union operating as a federally chartered credit

union, including but not by way of limitation because of enumeration, the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time, are authorized under federal laws or regulations for transactions by federal credit unions, notwithstanding any restrictions elsewhere contained in the statutes of the State of Alabama; provided, that no credit union can exercise any power which it claims only by virtue of such power being possessed by a federal credit union if the superintendent of banks issues a written order prohibiting a credit union from exercising such power."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 211 H. 617—Higginbotham, Turnham, Whatley
AN ACT

To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Directors of the Waterworks Boards of all cities having populations of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census, excluding the chairman, shall be paid a director's fee in the amount of \$50.00 each month. The chairman of said board shall be paid a director's fee in the amount of \$75.00 each month. Such compensation shall be paid in the manner currently provided by law.

All members of said boards shall be reimbursed for actual expenses incurred in and about the performance of their duties.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall have retroactive effect and shall be effective on and after October 1, 1976.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 212

H. 628—Brindley, Jolly

AN ACT

Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Blount County is hereby authorized, within its sole discretion, to employ such clerical assistants as the tax assessor, tax collector and probate judge may recommend for assistance in their respective offices. The county commission is further empowered to set the salaries of those assistants hired. This act shall become effective regarding each of these offices at such time these officials are placed on salary.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 213

H. 651—Howard

AN ACT

Relating to all counties having population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may no sooner than 30 days following the enactment of this act in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages within corporate limits or police jurisdiction of an incorporated municipality within all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census. Pursuant to the pro-

visions of the Code of Alabama 1940, Title 29, Section 34, the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Provided further, however, that the substantive provisions of this act shall take effect no sooner than 30 days following the enactment of this act.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 214

H. 744—Martin, Roberts, Cross, Drake

AN ACT

To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, is hereby amended to read as follows:

“Section 2. The county commission of such counties may in its discretion appropriate annually from the public funds of the county an amount not exceeding \$7,500 as a contingent fund from which shall be paid any entertainment or promotional expense incurred for and incidental to the promotion of the economic, industrial or cultural development of the county, twelve cents per mile to all county officials traveling in privately owned vehicles outside the county on official business, actual room and board expenses for any county official traveling outside the county on official business, the dues of the probate judge for membership in, any other fees in connection with such membership and a subscription for the probate judge to any publication by the state and national association or organization of probate judges, and a reasonable allowance for clothing for non-uniformed investigators employed in the sheriff's office and from which shall be paid any other equitable and just claim or claims against the county for which the

county is not legally liable and for recovery of which the claimant or claimants have no recourse at law. Any appropriation so made shall be paid to the county treasurer or depository on warrants drawn in such manner as the county governing body may direct. The provisions of this act notwithstanding, there shall be no reimbursement for expenses or mileage made to members of the Alabama Legislature by the county governing body. Any unexpended or unencumbered balance in any such contingent fund created under this Act shall revert to the county general fund at the end of each fiscal year."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 8, 1977.

Time: 3:30 P.M.

Act No. 215

H.J.R. 362—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE THORSBY HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON.

WHEREAS, the Thorsby High School Basketball Team has completed the season with a 21-10 record and won the Area Eight Championship of Region Four; and

WHEREAS, as a team they shot 55 percent from the foul line, their field goal percentage, as a team, averaged 42 percent and they averaged scoring 62 points a game; and

WHEREAS, this fine seven-member team, six of whom will be returning next season, is deserving of recognition for their fine season, much credit also is due to Head Coach Marvin Green for the team's high degree of technical skill and for their fine spirit, good sportmanship and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Thorsby High School Basketball Team for winning the Area Eight Championship and direct that copies of this resolution be sent to Mr. Ed Blackmon, principal, on behalf of the school, to Head Coach Marvin Green and to team members Alan Childress, Gary Patterson, Jim Davis, Bobby Hayes, Johnny Mills, Jerry Atchison and Kenneth Markovitz.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 216

H.J.R. 410—Owens, McCorquodale

HOUSE JOINT RESOLUTION

COMMENDING MR. JIM OAKLEY, JR., OUTSTANDING MEMBER OF ALABAMA'S NEWSPAPER INDUSTRY.

WHEREAS, at the 107th Annual Winter Convention of the Alabama Press Association, Mr. Jim Oakley, Jr., was duly recognized as an outstanding member of Alabama's newspaper industry; and

WHEREAS, Mr. Jim Oakley, Jr., has distinguished himself for the past several years as publisher and editor of the Centreville Press; and

WHEREAS, at the 107th Annual Winter Meeting of the Alabama Press Association, Mr. Jim Oakley, Jr., was elected Second Vice-President of the Alabama Press Association; and

WHEREAS, Mr. Jim Oakley, Jr., will serve the newspapers of Alabama as First Vice-President during the year 1978; and

WHEREAS, Mr. Jim Oakley, Jr., will succeed to the Presidency of the Alabama Press Association in the year 1979; and

WHEREAS, the newspaper industry of Alabama, represented by the 133 weekly and daily member newspapers of the Alabama Press Association, has seen fit to bestow upon Mr. Jim Oakley, Jr., the most prestigious position in its association now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most enthusiastically congratulate Mr. Jim Oakley, Jr., for singular recognition by his peers, commend him for outstanding contributions in his field and direct that a copy of this resolution be presented to him as a token of our profound esteem.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 217

H.J.R. 411—Cross, Martin, Roberts

HOUSE JOINT RESOLUTION

COMMENDING WEST MORGAN HIGH SCHOOL ON THEIR REGION 7, 2A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature has noted that the West High School basketball team won the Region 7, 2A championship and also captured the Morgan County crown; and

WHEREAS, the Rebels ended the season with a 25-8 win-loss record with 12 out of their 20 regular season games played against 3A and 4A teams; this Trinity, Alabama team averaged 73 points per game to the 64-point per game average of their opponents; and

WHEREAS, under the able leadership of Head Coach Jimmy C. Randolph and Assistant Coach Ferrell Maples, this enthusiastic and talented team played each and every game in the spirit and tradition of good sportsmanship and fair play, reflecting their many hours of hard work and their dedication to the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the achievements of the West Morgan High School Rebels, congratulate them on their championship victories and direct that copies of this resolution be sent to Coach Randolph and his assistant, Coach Maples, and to Mr. Gary Johnson, principal, on behalf of the school.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 218

H.J.R. 412—Cross, Martin, Roberts

COMMENDING DANVILLE HIGH SCHOOL ON THEIR REGION 8, 1A BASKETBALL CHAMPIONSHIP.

WHEREAS, The Danville High School Hawks captured the Region 8, 1A high school basketball championship; and

WHEREAS, this fine Morgan County 1A team achieved a 15-13 season record with 14 of their regular season games against 3A and 4A teams; they averaged 77.8 points per game to 74.1 points per game for their opponents, shooting 49 percent from the field and 75 percent from the foul line; and

WHEREAS, Head Coach Wayne Bowling and Assistant Coach Jerry Warren worked countless hours in helping to develop this winning team, and each player contributed greatly to his team's success while also exhibiting the admirable attributes of good sportsmanship and fair play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and heartily congratulate the Danville High School Hawks on winning the Region 8, 1A crown, and direct that copies of this resolution be sent to Mr. Truman Screws, principal of Danville High, to Coach Bowling and to Assistant Coach Jerry Warren.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 219

H.J.R. 414—Folmar

HOUSE JOINT RESOLUTION

COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

WHEREAS, in December 1976, in Mobile, Alabama, the Charles Henderson High School debate team won the qualifying tournament which enabled them to represent Alabama at the National Bicentennial debate held in Williamsburg, Virginia, on February, 7, 1977; and

WHEREAS, two seniors, Rasch Brown and Richard Botts, are the two members of the Charles Henderson debate team who won the honor so ably representing our state at this prestigious national tournament; and

WHEREAS, this Troy, Alabama, debate team, under the direction and tutelage of Mrs. Rhae Swisher, has progressed and performed remarkably as this is a relatively new program at Charles Henderson High, having been initiated just four short years ago and already is ranked as one of the top sixteen teams in the nation as a result of their eligibility to participate in the Octo Finals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Charles Henderson High School Debate team for outstanding achievement and for their participation in national competition in Williamsburg, Virginia.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Rasch Brown and Richard Botts, and to Mrs. Rhae Swisher on behalf of the team.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 220

H.J.R. 427—Lockett, Pegues, Edwards

**COMMENDING THE SELMA HIGH SCHOOL SAINTS
ON WINNING THE STATE 4A CROWN.**

WHEREAS, on March 12, 1977, at the University of Alabama's Memorial Coliseum, the Selma Saints surmounted an overwhelming 13 point deficit to defeat Hayes of Birmingham 63-57, scoring seven points in the final five seconds of the game to capture the State High School 4A Basketball Championship; and

WHEREAS, this outstanding Selma, Alabama team defeated three Birmingham school in a row plus Tuscaloosa's Druid High in the phenomenal rise to the state championship; they ended the season with a 29-4 record, their first state crown in 31 years and the first 4A championship for a South Alabama team since 1967; and

WHEREAS, Head Coach James Booth, who is leaving at the end of this year to become basketball coach at George C. Wallace Community College, and assistant Coach A. A. Sewell, must be recognized for their talented leadership and direction, greatly responsible for the brilliant and skillful play of each and every member of the team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend the Selma High School Basketball team on their championship and direct that copies of this resolution be sent to Coach Booth, Coach Sewell and to each team member.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 221

H.J.R. 429—Biddle, Waggoner, Boles, Hall

HOUSE JOINT RESOLUTION

**CONGRATULATING JEFFERSON STATE'S GIRLS
GYMNASTIC TEAM ON THEIR NATIONAL CHAMPIONSHIP.**

WHEREAS, the Legislature of Alabama notes with pleasure and pride that on March 26, 1977, Jefferson State's Girls Gymnastics Team won the 1977 National Junior College Gymnastics Championship; their superior overall performance as a team left no doubts as to victory to the many thrilled spectators on hand for the National Junior College Athletic Association meet held on the Birmingham campus; and

WHEREAS, individually, freshman Marti Griffith from Huntsville was declared the overall champion by virtue of total points won in all four events—vault, uneven parallel bars, balance beam and floor exercise; Amy Nash, Birmingham freshman, placed 3rd individually; Debra Bodley of Hartselle, Alabama, was 4th and Brenda Fogleman from Homewood, a sophomore and the only team member who will not be returning next year, was named 5th in individual competition; other team members also earning points were “Pioneers” Vincintia Caterinchia and Cathy Jemison, both of Birmingham; and

WHEREAS, more honor was yet to come as four from Alabama’s Jefferson State—Debra Bodley, Marti Griffith, Amy Nash and Brenda Fogleman—were named All-American Junior College Gymnasts; and

WHEREAS, the champion “Pioneers” achieved these outstanding awards under the able direction of Tom Henderson, a Gadsden native who is chairman of the Health, Physical Education and Recreation Department and who inaugurated this program at Jefferson State in 1967 and has served as coach since that time; Bob Moore is Coach Henderson’s competent assistant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and congratulate the gymnasts from Jefferson State for both their team and individual championships won at the NJCAA meet in Birmingham, bringing honor and prestige not only to themselves, but to their coaches, their school and their state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President George L. Layton, who has supported and encouraged the gymnastics program from its inception, to Coach Henderson and Coach Moore, and to each member of the team.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 222

H.J.R. 431—McCluskey

HOUSE JOINT RESOLUTION

CONGRATULATING MISS CARLA PARKER ON BEING NAMED “MISS COOSA COUNTY.”

WHEREAS, the Legislature of Alabama is pleased to note that on March 19, 1977, Miss Carla Parker of Weogufka, Ala-

bama captured the title of Miss Coosa County and also won the talent award; she was presented a trophy and crown, a cash award, a scholarship and gifts from local merchants and those in surrounding counties; and

WHEREAS, this beautiful and charming high school senior who plans to attend Nunnelley State Technical College to study data processing, also holds the titles of Miss Weogufka High School of 1975, Junior Miss Coosa County of 1976, Coosa County Farm Bureau Queen for 1976 and Miss Labor Day 1976; other honors include first alternate talent winner in the 1976 County Farm Bureau Contest, and second alternate and evening gown competition winner in the Miss Lake Martin contest for 1976; and

WHEREAS, Miss Parker, whose hobbies include singing, playing piano, swimming, bowling and reading, is further deeply involved in FHA and 4-H Club activities as well as serving as Student Council Secretary, Senior Class Secretary, Yearbook Staff Member, Pep Club member, Junior Cheerleader for three years, Varsity Cheerleader for two years and Head Cheerleader for one year; she is a member of Oldfield Baptist Church and soloist with the church choir; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Carla Parker, Miss Coosa County for 1977, commend her for numerous other awards and honors, and direct that a copy of this resolution be sent to her and to her parents, Mr. and Mrs. Ralph Parker of Weogufka.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 223

H.J.R. 434—Holmes (A), Crowe

HOUSE JOINT RESOLUTION

COMMENDING ROBERT W. JONES FOR HIS MANY CONTRIBUTIONS TO THE CIVIC, RELIGIOUS AND POLITICAL AFFAIRS OF HIS COMMUNITY.

WHEREAS, the Legislature of Alabama notes with admiration the many and varied activities of Mr. Robert W. Jones, Jr., of Demopolis, Alabama, which have served to contribute immeasurably to the betterment of his community and the well-being of his fellow citizens; and

WHEREAS, Mr. Jones has served tirelessly, giving generously of his time and talents in all facets of community affairs;

he is actively and deeply involved in the many good works of his church, in a vast number of civic projects, and in the political arena with particular emphasis on the voter registration efforts in Marengo County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Mr. Robert W. Jones, Jr., of Demopolis, Alabama, for his years of service to his community and to his fellow citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Jones that he may know of our warm praise.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 224

H.J.R. 437—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING C. DENNIS BUCKNER, NAMED SYLACAUGA'S MOST OUTSTANDING YOUNG MAN FOR 1976.

WHEREAS, on March 12, 1977, young bank vice president C. Dennis Buckner was named Sylacauga's most outstanding young man for 1976 at the Sylacauga Jaycee's annual "Distinguished Service Award" Banquet, an honor bestowed annually on an outstanding young man who has distinguished himself through civic, church and community service; and

WHEREAS, Dennis Buckner is a 1967 graduate of Sylacauga High School who earned a business degree from the University of Alabama in Birmingham in 1972 and is now in his second year of Louisiana State University School of Banking studies; for the past five years he has been employed with the First National Bank of Sylacauga, promoted last year to vice president; and

WHEREAS, he has given generously of his time and efforts for the past four years in active involvement in a variety of civic projects of the Sylacauga Jaycees who honored him with the Irby-Liles-Roberts Award in 1974, the Outstanding Jaycee Award in 1974 and 1975, and elected him chapter president in 1975; and

WHEREAS, Mr. Buckner has further served his community as campaign chairman of the United Givers Fund as well as district ticket chairman for the Boy Scouts of America council-

wide Bicentennial Jamboree at Ft. McClellan, Alabama; he recently was elected St. Andrews Episcopal Church treasurer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate C. Dennis Buckner, Jaycee Distinguished Service Award recipient, and highly commend his unselfish dedication to the betterment of his community and the citizens of his county and state.

BE IT FURTHER RESOLVED, That copies of this resolution be presented Mr. Buckner and his wife, Nancy, and to his parents, Mr. and Mrs. C. W. Buckner, that they may know of our high esteem and warm praise.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 225 H.J.R. 438—Gafford, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce, McMillan

HOUSE JOINT RESOLUTION

CONGRATULATING C. E. "BUTCH" AVINGER FOR BEING UNDER CONSIDERATION BY PRESIDENT CARTER FOR THE POSITION OF COMPTROLLER OF THE CURRENCY.

WHEREAS, the Legislature of Alabama notes with tremendous pride and pleasure that Alabama's C. E. "Butch" Avinger is being considered by the President of the United States for the eminent position of the Comptroller of the Currency for the United States; and

WHEREAS, Mr. Avinger who is a native of Montgomery, Alabama is a 1947 graduate of Sidney Lanier High School where he played football and was named All-State; following his graduation in 1950 from the University of Alabama where he was All Southeastern Conference, he played professional football with the New York Giants for two years; and

WHEREAS, he has been in the banking business since 1957 in Birmingham, Alabama with the exception of the years 1968-71 during which time he served as Superintendent of Banks for the State of Alabama; he is serving presently as vice president with the Alabama Bankers Association; and

WHEREAS, we are aware and appreciative of the high honor of being considered for this position as chief administrator of all national banks, more than 14,000, in the United States; we further recognize and share the complete and total confidence displayed by our President in considering Mr. Avinger for the awesome responsibilities associated with the position; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously praise and applaud our President's wise consideration of C. E. "Butch" Avinger for Comptroller of the Currency and unanimously urge his appointment to that position.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, and one presented to Mr. Avinger as evidence of our esteem and attestation to our boundless confidence in his abilities.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 226

H.J.R. 441—Waggoner

HOUSE JOINT RESOLUTION

COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM ON THEIR STATE 3A CHAMPIONSHIP.

WHEREAS, on March 12, 1977, the Thompson High School Warriors overcame an overwhelming 18 point deficit in the third period to defeat Sparkman High 65-62, capturing the State 3A Championship for the second consecutive year; and

WHEREAS, these back-to-back Alabama champs from Alabaster, with a 30-1 season record, were led to victory by Head Coach Ellie Glasscox and assistant coach Donnie Kennedy who are both due credit and praise for the skills displayed by their team, with appreciation due also to managers Popcorn Underwood, Jim Cook and Alan Hines; the Thompson High School champions are Zulu Green, Perry Oden, Glen Marcus, P. J. Thomas, Sam Lilly, Willie Keith, Benji Allen, Rob Williams, Danny Williams, Greg Edwards, Kenny Mahone and Warren Green; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the Thompson High School Warriors on their State 3A Championship victory and direct that copies of this resolution be sent to Coaches Glasscox and Kennedy, to the managers and to each member of the team that they may know of our high praise.

Approved April 8, 1977.

Time: 2:00 P.M.

Act No. 227 H.J.R. 446—Reed, McCorquodale, Albright,
 Andrews, Armstrong, Baker, Baron,
 Biddle, Boles, Brindley, Buskey,
 Callahan, Campbell, Carothers,
 Carter, Cates, Clark, Coburn,
 Cooper, Crawford, Cross, Crowe,
 Dial, Drake, Edwards, Falkenburg,
 Folmar, Ford, Gafford, Glass,
 Goodwin, Greer, Gregg, Hall,
 Harris, Harrison, Hill, Hilliard,
 Hines, Holley, Holmes (A),
 Holmes (D), Hopping, Howard,
 Jackson (F), Jackson (R), Johnson,
 Johnstone, Jolly, Kelley, Kennedy,
 Killian, Kinsey, Lee, Leonard,

Lewis, Lockett, Lutz, McCluskey,
 McCulley, McMillan, McNair,
 McNees, Manley, Martin, Merrill,
 Mitchem, Moore (O), Moore (W),
 Morris, Naramore, Owens, Pegues,
 Plaster, Porter, Quarles, Rich,
 Riddick, Roberts, Robertson,
 Sandusky, Sasser, Shelton,
 Shoemaker, Smith (B), Smith (C),
 Smith (J), Smith (M), Sonnier,
 Sparks, Starkey, Taylor, Trammell,
 Tucker, Turnham, Venable,
 Waggoner, Warren, Weeks, Whatley,
 White, Williams, Wyatt, Younce

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO INSPECT DAMAGES SUFFERED IN THE BIRMINGHAM AREA AS A RESULT OF A TORNADO ON APRIL 4, 1977.

WHEREAS, on April 4, 1977, at least 20 or more persons were killed, many severely injured and numerous homes damaged or destroyed in Jefferson County in the wake of a tornado which struck this densely populated area; and

WHEREAS, this body is deeply concerned and grieved over the loss of life and property suffered by the citizens of our state and also recognize a great need that we be adequately and fully apprised as to the extent of damages and destruction wrought in Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select joint committee to be composed of 5 members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall inspect the disaster area in Jefferson County created by the April 4, 1977 tornado.

Upon request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings to the legislature on the 22 legislative day of this session whereupon the committee shall be discharged and dissolved.

Approved April 8, 1977.

Time: 2:00 P.M.

AN ACT

To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge of the Twenty-Fifth Judicial Circuit shall be entitled to receive an expense allowance in an amount equal to 25% of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the Twenty-Fifth Judicial Circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such judge by the State of Alabama, but shall be in lieu of any and all compensation or allowance heretofore payable to such judge by the counties composing the circuit.

Section 2. The district attorney for the Twenty Fifth Judicial Circuit shall be entitled to receive an expense allowance in an amount equal to 25% of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the Twenty-Fifth Judicial Circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such district attorney by the State of Alabama but shall be in lieu of any and all compensation or allowance heretofore payable to such district attorney by the counties composing the circuit.

Section 3. The expense allowances provided hereinabove shall be payable retroactively to January 16, 1977.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 8, 1977 without approval by the Governor.

Act No. 229

H. 666—Kinsey, McMillan

AN ACT

Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge, tax assessor, tax collector, county commissioners and sheriff in any county to which this act applies shall receive an expense allowance of \$4,000 per year, payable in equal monthly installments, which shall be paid out of the county general fund and shall be in addition to any and all other compensation, expenses and allowance provided for by law.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 8, 1977 without approval by the Governor.

Act No. 230

H. 849—Carter, Moore (W)

AN ACT

Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Limestone County is hereby authorized and empowered to maintain any road or driveway, exclusive of bridges, leading from a public road to a residence or home on the property of an abutting landowner for a reasonable distance as determined by said governing body. Material provided by the county for maintenance shall be restricted to creek gravel and no more than 20 yards of creek gravel may be spread on any one road or driveway annually.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 8, 1977 without approval by the Governor.

Act No. 231 H. 501—White, McNair, Hopping, Hilliard,
Harrison, Gafford, Falkenburg,
Tucker, Moore (O), Waggoner,
Howard, Andrews

AN ACT

RELATING TO COUNTIES HAVING POPULATIONS OF NOT LESS THAN 60,000 INHABITANTS ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO AUTHORIZE AND PROVIDE FOR ADDITIONAL FUNDS, IF REQUIRED, FROM THE GENERAL FUNDS OF THE COUNTY AND EACH MUNICIPALITY LOCATED THEREIN FOR THE MAINTENANCE AND OPERATION OF THE COUNTY DEPARTMENT OF HEALTH, INCLUDING, BUT NOT LIMITED TO, THE EMPLOYMENT OF PERSONNEL, THE ACQUISITION OF LAND, THE ERECTION, CONSTRUCTION, EXTENSION, RENOVATION, AND REPAIR OF BUILDINGS OR IMPROVEMENTS THEREON, WHICH ARE RELATED TO OR REQUIRED BY THE PRESCRIBED DUTIES OF THE COUNTY HEALTH OFFICER; TO REPEAL ALL CONFLICTING STATUTES.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the last or any subsequent Federal census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this Act, shall have the meanings respectively ascribed to them in this Section:

(a) The terms "county", "said county", or "such county" means any county in the State of Alabama with a population of 600,000 inhabitants, or more, according to the last or any subsequent Federal census.

(b) The term "ad valorem tax" shall mean those ad valorem taxes collected on real and personal property in said county except those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in such county.

(c) The term "Board of Health" shall mean the authorized public health board, commission, or other entity having the authority of a County Board of Health in such county.

(d) The masculine gender shall include the feminine and neuter genders; and whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. The governing body of the county and of each municipality, any part of which is located therein, shall pay over to the county Board of Health or other department, officer, or agency designated by law to carry out the responsibilities of said Board, an annual sum to be determined under the provisions hereof.

Section 4. In furtherance of the public interest and to assure the maintenance of a minimum standard of public health services in any such county and the municipalities located therein, there shall be paid annually out of the general funds of the county and the general funds of each municipality located therein such sum of money as the governing body of the county shall establish, based on a budget presented to it by the county Board of Health or the county Health Officer on or before July 1 of each year commencing with the year 1977 and each subsequent year. The amount established shall be reasonably necessary to provide for the maintenance and operation of the county health department, including, but not limited to, the employment of necessary personnel, the acquisition of land, the erection, construction, extension, renewal and repair of any building or improvements thereon, provided, however, that the said amount so established, which shall be over and above all other sources of revenue, shall not be less than a sum equal to two percent (2%) of all the ad valorem taxes collected in the county for both the county and the municipalities located therein, excluding those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in said county; nor more than a sum equal to six per cent (6%) of said ad valorem taxes collected in the county, excluding those ad valorem taxes collected for the State of Alabama and any and all Boards of Education located in said county.

Section 5. The amount to be paid by the county and each said municipality of the sum so established by Section 4 shall be determined by the following formula: Add the total population of the county to the total population of all incorporated municipalities within the county to arrive at a common denominator, and the governing body of the county shall pay the proportion of the sum so established as the population of the total county bears to said common denominator and, subject to Section 6 hereof, the governing body of each said municipality shall pay the proportion of the sum so established that

the total population within its boundaries bears to said common denominator. The population to be used in said formula shall be the population of the entire county and each said municipality according to the last federally approved census. The following is an example of the application of said formula: Assume the total population of the County is 700,000 and that municipalities A, B, C, and D constitute all of the incorporated municipalities in the County and municipality A has a population of 300,000; municipality B, a population of 100,000; municipality C, a population of 60,000; and municipality D, a population of 40,000. The common denominator would be 1,200,000. The County proportion of the sum established in accordance with the provisions of Section 4 above would be $700,000/1,200,000$ or $7/12$ of said sum; municipality A, $300,000/1,200,000$ or $3/12$ of said sum; municipality B, $100,000/1,200,000$ or $1/12$ of said sum; municipality C, $60,000/1,200,000$ or $0.6/12$ of said sum; and municipality D, $40,000/1,200,000$ or $0.4/12$ of said sum.

Section 6. In the case of any municipality located partially within and partially without the boundaries of said county, the calculations set forth in Section 5 above shall be based on the number of persons who are residents of that portion of the municipality which is within the boundaries of the county.

Section 7. The amounts required to be paid to the County Board of Health by the provisions of this act shall be paid to the County Board of Health treasurer annually and not more than thirty days after December 31 of each year by the county tax collector out of ad valorem tax receipts collected by the county tax collector for the county and the respective municipalities in the county; provided, however, that the county tax collector shall not pay over to the County Board of Health any ad valorem tax receipts the payment of which to the County Board of Health would impair the obligation of contracts entered into by any municipality or county prior to June 1, 1976, or any ad valorem tax receipts from levies made for a special purpose as authorized by the provisions of any section of the Constitution of Alabama 1901 or any amendment thereto. If the tax collector does not have any ad valorem taxes due any municipality or said county or the ad valorem taxes due any municipality or said county is insufficient to pay the amounts due under the provisions of this act, then the balance due under the said provisions shall be a priority claim (subject, however, to any claims having priority under or pursuant to any provision of the Alabama or United States Constitution), against any and all other funds of any such municipality or county and shall be paid by such municipality or county directly to the board treasurer.

Section 8. The provisions of this Act are hereby declared

to be severable and should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 9. All laws and parts of law, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Section 10. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved April 14, 1977.

Time: 4:15 P.M.

Act No. 232 H. 502—White, McNair, Hopping, Hilliard,
Harrison, Porter, Gafford,
Falkenburg, Tucker, Waggoner,
Howard

AN ACT

RELATING TO COUNTIES HAVING POPULATIONS OF NOT LESS THAN 600,000 INHABITANTS ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO PROVIDE FOR FUNDING FOR TRANSIT AUTHORITIES IN SUCH COUNTIES BY THE COUNTY AND CERTAIN MUNICIPALITIES IN SUCH COUNTIES; TO REPEAL ALL CONFLICTING STATUTES.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the last or any subsequent Federal census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this Act shall have the meanings respectively ascribed to them in this Section:

(a) The terms "county", "said county", or "such county" means any county in the State of Alabama with a population of 600,000 inhabitants, or more, according to the last or any subsequent Federal census.

(b) The term "ad valorem tax" shall mean those real and personal property ad valorem taxes collected by the county Tax Collector, and the Director of Revenue of such county, if any, for the county in said county, but shall exclude all ad valorem taxes collected for the State of Alabama and any and all Boards of Education and municipalities located in such county.

(c) The term "transit authority" shall mean any public authority organized in said county for the purpose of operating a public mass transit system by bus, rail, or other means under Act No. 993 of the 1971 Regular Session of the Legislature of Alabama as amended, or any other authority organized in said county for the same purpose under authority granted by the State of Alabama.

(d) The term "annually" shall mean each twelve-month period commencing with October 1 of each year and ending with September 30 of the next following year.

(e) The term "served by the transit authority" shall mean an area in which the transit authority operates vehicles on a regular schedule for the pick-up and discharge of passengers.

(f) The term "fiscal year" means the fiscal year of the County.

(g) The masculine gender shall include the feminine and neuter genders; and whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. If there is a transit authority in said county, the governing body of the county and of each municipality served by the transit authority shall pay over to the transit authority an annual sum to be determined under the provisions of Sections 4 and 5 hereof.

Section 4. The annual amount to be paid to the transit authority by the county served by the transit authority is to be ascertained by first determining the amount of ad valorem taxes collected for the county from within the city limits of each municipality served by the transit authority. The county shall pay out of its general funds an amount equal to six (6%) percent of the ad valorem tax collected within the city limits of all such municipalities to the transit authority each year. In addition, the governing body of the county shall, at its sole discretion, make a determination prior to the end of each fiscal year as to the number of residents of the county residing in unincorporated areas thereof having access to services by the transit authority within reasonable walking distances of their residences, but said number shall not be less than in any preceding year, unless there is a reduction of routes serving the unincorporated area. Such residents shall be deemed to be served by the transit authority and there shall be paid annually out of the general funds of the county a sum equal to \$1.00 per capita of the residents thus deemed to be served.

Section 5. The annual amount to be paid to the transit authority by each municipality served by the transit authority is to be ascertained by first determining the amount of ad

valorem tax collected for the county within the city limits of each such municipality. Each such municipality shall pay to the transit authority each year from its general funds an amount equal to ten (10%) of such ad valorem tax collected for the county within the city limits of such municipality each year.

Section 6. The amounts required to be paid to the transit authority under the provisions of this Act shall be paid by the county Tax Collector for the county and the respective municipalities affected hereby upon the payment schedule established pursuant to the terms of the next following Section of this Act. If the county Tax Collector does not have ad valorem taxes due the county or any municipality affected hereby sufficient to pay the amounts due under the provisions of this Act, then the balance due as to any payment hereunder shall be paid to the transit authority by the Director of Revenue of said county, if any, from any tax monies in his possession for distribution to such county or such municipality. If as to any payment due hereunder, neither the county Tax Collector nor the Director of Revenue of such county, if any, shall have sufficient tax monies for distribution to such county or such municipality in an amount sufficient to make such payment, then the balance of such payment shall be a priority claim (subject, however, to any claims having a priority under or pursuant to any provision of the Constitution of the State of Alabama or the Constitution of the United States), against any and all other funds of such county or such municipality and shall be paid directly by such county or such municipality to the transit authority. It is expressly provided, however, that neither the county Tax Collector, nor the Director of Revenue of such county, if any, shall pay to the transit authority any monies the payment of which would impair the obligation under any contract entered into by the county or any municipality affected hereby prior to the effective date of this Act, or any tax monies from levies made for a specific purpose under the provisions of any Section of the Constitution of the State of Alabama as amended.

Section 7. The payments required hereby for each municipality that is served by the transit authority, and the county, shall be made on a monthly basis or upon such other payment schedule as the county or municipality affected hereby shall agree to with the transit authority. If payments are made on a monthly basis each payment shall be one-twelfth of the annual amount which would have been due based upon ad valorem tax collections for the preceding fiscal year with any deficit in the amount thus paid on such basis computed after ad valorem tax collections for the fiscal year in question are known, to be made up by the county and each affected municipality during the month of January next following the end of each fiscal

year; provided, however, that during the fiscal year during which this Act becomes effective, the total amount of the payments to the transit authority to be made by the county and each municipality affected hereby shall be reduced to one-fourth ($\frac{1}{4}$) of the annual amount which would otherwise be due, such annual amount being computed as provided herein, and shall be paid by the county and each municipality affected hereby in three equal monthly installments during the months of July, August, and September of such year; and, provided further, that during the fiscal year in which this Act becomes effective, and for each ensuing fiscal year, the obligation of the county and each municipality affected hereby shall not be greater than the amount by which distributions of tax monies to the county and each such municipality by the Tax Collector of said county and the Director of Revenue, if any, of said county exceed such distribution of tax monies for the fiscal year ending in the year 1976.

Section 8. Of the total amount paid hereunder to the transit authority by the county and municipalities served by such authority, \$200,000.00 shall be paid into a capital improvement fund, the principal of which shall be used exclusively for the funding of capital improvements to the transit system operated by the transit authority. Should this capital improvement fund, or any part thereof, be pledged to secure payment of any bonds issued by the transit authority, the provisions of this Section shall become a part of the contract between the authority and the holders of such bonds so long as any portion of such bonds be outstanding or unpaid.

Section 9. Any municipality within the county which is served by the transit authority on the effective date of this Act shall be deemed to be served thereby for the purposes hereof. No other municipality in the county shall be served by the transit authority, thus incurring obligations to make payments pursuant to the provisions hereof, unless such municipality shall file with the transit authority of the county its agreement in writing to be served by the transit authority and to make the payments provided for herein. Any municipality in the county which is not served by the transit authority, but desires to be served thereby may apply to the transit authority to be so served and at the same time shall file with the transit authority its agreement in writing to make the payments provided for herein. If the transit authority deems it feasible to provide service to such municipality, it shall commence doing so upon the first day of the month next following the date upon which such decision is made, and such municipality shall thereafter be obligated to make the payments provided for herein; provided, however, that the obligation of such municipality during the fiscal year in which such service is commenced shall

be reduced to the amount obtained by applying a fraction, the numerator of which is the number of months remaining in the fiscal year during which such service is commenced, and the denominator of which is twelve (12) to the annual obligation such municipality would have had if served by the transit authority for the entire fiscal year.

Section 10. Any municipality now or hereafter served by the transit authority shall have the right to have such service discontinued and its obligations hereunder extinguished at the end of any fiscal year upon giving not less than six (6) months notice to the transit authority that such municipality desires that such service be discontinued.

Section 11. On or before the first day of April in each year, the transit authority shall submit an annual budget for the forthcoming fiscal year of the transit authority to the governing body of the governmental entity (within the county) which made the largest contribution to the transit authority during the preceding fiscal year, with the determination as to which governmental entity within the county made the largest contribution to the transit authority during the preceding fiscal year to be without regard to whether such contribution was made under the provisions hereof, or pursuant to voluntary agreement of such governmental entity with the transit authority or a combination thereof. Such governing body is empowered and directed to review such budget and reduce the same in any area in which it deems said budget to be excessive. If such reduction is made, and results in decreasing the deficit of the transit authority to an amount less than the aggregate of the payments required of the county and municipalities hereunder, such payments shall be reduced, with the ratio of payments between the county and municipalities affected hereby remaining the same.

Section 12. The obligation of each municipality affected hereby shall not be reduced to an amount less than \$1.30 per capita of population in such municipality; nor shall the obligation of the county hereunder be reduced to an amount less than \$.78 per capita of population in the municipalities within the county served by the transit authority and in the unincorporated areas of the county served by the transit authority.

Section 13. The provisions of this Act are hereby declared to be severable and should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 14. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of any such conflict.

Section 15. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law, or upon July 1, 1977, whichever is later.

Approved April 14, 1977.

Time: 4:15 P.M.

Act No. 233

S. 524—Fine

AN ACT

Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the thirty-fourth judicial circuit shall receive an annual additional expense allowance equal to 15% of the salary paid by the state to said district attorney. The expense allowance herein provided shall be paid in equal monthly installments from the district attorney's fund of the county composing the thirty-fourth circuit, and shall be payable in lieu of any compensation payable to the district attorney for prosecution services rendered in the intermediate court of such county prior to January 17, 1977, and in lieu of any other allowance for expenses heretofore provided for by

law, except such expenses as may be payable by the State of Alabama from the state treasury.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 15, 1977 without approval by the Governor.

AN ACT

To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for nonpayment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and shall become valid as a part of the Constitution when approved and proclaimed ratified as prescribed by law:

PROPOSED CONSTITUTIONAL AMENDMENT

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Baldwin County as public corporations to provide fire fighting and prevention services; and may authorize such fire districts to fix and collect rates, fees and charges for such services, and to provide penalties for non-payment and liens upon the property within any such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of any such fire district; provided that Baldwin County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Baldwin County; providing further that a majority of the qualified electors of any prospective fire fighting or prevention district created by any law authorized by this proposed amendment shall give prior approval to the creation of any such fire district and the fees, rates, charges, bond issue or other financing agreements thereto in an election thereon. This amendment shall not have been adopted unless a majority of the qualified electors of this state who participate in the election held on the adoption of this amendment vote in favor thereof. Any law enacted at the current session of the legislature to authorize the creation of such fire districts in Baldwin County and to implement this amendment to the constitution (whether

with or without published notice of intention) shall become effective upon the ratification of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted for four weeks next preceding said election at each courthouse in said county.

Constitution Amendment

Passed the House March 22, 1977

Passed the Senate April 7, 1977

Act No. 235

S. 642—Bank

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Pickens County and for the consolidation of the duties of said offices into a new office.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local law, provide for the transfer of the duties of the Tax Assessor and Tax Collector of Pickens County to another officer of such county; or provide for the abolition of the said offices left without duties, or create a completely new office in such county and transfer to such office the duties of each of the said offices of Tax Assessor and Tax Collector in such county; provided that the officer to fill the newly created office will be

compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Pickens County who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which abolished said county offices and consolidates their duties in a newly created office in Pickens County may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the Courthouse and in three other places in the county.

Constitutional Amendment

Passed the Senate March 31, 1977

Passed the House April 14, 1977

Act No. 236

H. 1030—Manley

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for the purpose of the development and commercial use of the inland waterways in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature by general or local law may authorize, provide for and regulate the formation and operation in Marengo County of public corporations authorized to engage in promoting the industrial development of Marengo County and the municipalities therein and particularly the development and commercial use of the inland waterways in such county. Any such law may prescribe the powers and authority of any corporation formed thereunder, which may include, but shall not be limited to the following: the authority to acquire, construct, operate, improve, and finance wharves, stocks, warehouses and other port and related facilities in Marengo County; to apply for permission to operate a foreign trade zone and to establish, operate and maintain such a zone; to exercise the power of eminent domain; to borrow money for any of its corporate purposes and issue interest-bearing revenue bonds and other securities, but such corporation shall not have authority to create a debt against the state, Marengo County or any municipality or other political subdivision of Marengo County. The act may authorize Marengo County or any municipality or other political subdivision, public corporation, agency or instrumentality of Marengo County to aid and cooperate with the corporation authorized in the act, and with or without consideration to transfer any port facilities or other property to any corporation organized under such act. Such law may exempt any corporation organized pursuant to it from some or all taxation by the state, Marengo County or any municipality in Marengo County; from tort liability; and from the payment of certain fees of public officers.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

AN ACT

Be It Enacted by the Legislature of Alabama:

“3.09. Vacancies in council—Vacancies in the council other than those occurring less than three months prior to the date of the next regular council election shall be filled by special elections to be held for that purpose, the dates of which shall be set by the council at the next regular meeting or any subsequent meeting of the council, such dates to be set no later than forty-five days after the occurrence of such vacancies. Such elections shall be held in the same manner and subject to the same procedures as regular council elections and the person so elected shall hold office for the remainder of the unexpired term.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1977.

Time: 3:45 P.M.

H. 891—Starkey, Killian, Lutz

AN ACT

Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution

of Alabama is proposed and shall become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

The Legislature may from time to time, by general or local laws applicable to or operative in Jackson County, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, the tax assessor, and the tax collector, and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose or is approved by a majority of the qualified electors of the county who vote on the adoption of this constitutional amendment as provided for in Section 2 hereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in an newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House March 22, 1977

Passed the Senate April 20, 1977

Act No. 239

H. 292—Weeks, McNees

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

"The Legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize the counties of Marion and Lamar and all municipalities lying within Marion and Lamar Counties to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of Buttahatchee River Watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise, property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the State of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Buttahatchee River Watershed. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein previously dedicated to public use. The provisions of Sections 106, 222 and 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the State of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission, or sale of electric power. The area comprising the Buttahatchee River Watershed shall include such land defined in enabling legislation herein authorized as shall lie within the counties of Marion and Lamar. Any such law as herein authorized which has been heretofore enacted for which no notice and proof of publication was submitted as required

by Section 106 of the Constitution is hereby validated and confirmed.”

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940, as amended.

Constitutional Amendment

Passed the House February 10, 1977

Passed the Senate as amended April 20, 1977

House concurred in Senate amendment April 20, 1977

Act No. 240

S. 595—Bank

AN ACT

To validate the elections held in Pickens County, Alabama, on October 28, 1975, and actions taken pursuant thereto.

Be It Enacted by the Legislature of Alabama:

1. Each of the elections heretofore held in Pickens County, Alabama, on October 28, 1975, pursuant to acts of the Legislature adopted at the 1975 Regular Session, at which elections a majority of the votes cast were in favor of the propositions presented thereat, but with respect to either of which there may not have been full compliance with any or all statutory requirements applicable to such election, shall be and each such election is hereby ratified and confirmed and given effect in all respects as if all provisions and legal requirements relating to each such election had been duly and legally complied with. All actions authorized at the said elections may be taken and shall be valid and any actions taken pursuant thereto prior to the effective date hereof are hereby validated and confirmed.

2. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming law.

Approved April 21, 1977.

Time: 3:15 P.M.

Act No. 241 H.J.R. 456—Mitchem, Turnham, Kelley, Brindley

HOUSE JOINT RESOLUTION

COMMENDING W. L. MARTIN FOR NOTABLE SERVICE TO MARSHALL COUNTY AND THE STATE OF ALABAMA.

WHEREAS, the Alabama Legislature has noted the retirement of Marshall County Agent W. L. Martin who devoted thirty-eight years to agricultural work in the State of Alabama; and

WHEREAS, Mr. Martin, a native of Chilton County, taught vocational agriculture in Cullman for three years following his graduation from Auburn University, then worked as an assistant county agent with the Auburn Extension Service in Colbert and Jackson Counties, and became Marshall County agent in 1944; and

WHEREAS, during his 33 years of service to Marshall County, many changes took place in the county's agriculture, most notably a change from mainly cotton and corn crops to predominantly livestock, poultry and eggs, and a phenomenal rise in farm income from under 6 million dollars in 1944 to more than 56 million in 1976; Marshall County ranks as one of the top six counties in Alabama in agriculture; and

WHEREAS, Mr. Martin promoted numerous agricultural projects with perhaps the greatest developments, as a result of his efforts, in the poultry industry which has had a tremendous impact on the county's economy; further, he was a leader in organizing the Sand Mountain Feeder Pig Association, was a charter member and helped organize the County Poultry Association, Cattlemen's Association, Dairy Association and 4-H Foundation; his numerous awards and citations include the Distinguished Service award by the National Association of County Agricultural Agents in 1956, the 1973 Distinguished Service Award by the Alabama Farm Bureau Federation, and the Golden Gavel Award in 1959 presented by the Alabama Association of County Agricultural Agents, which he served as president, district director, secretary and vice-president; and

WHEREAS, W. L. Martin has been active in numerous civic endeavors as past president of the Northern Civitan Club and past Lieutenant Governor of Alabama District North which he presently serves as member of the Board of Directors; he is a past president and board member, also, of the United Givers Way, has served on the building committee for the Guntersville schools, serves on the Board of Directors of the First Alabama Bank, and is a deacon, past chairman of the Deacon Council, trustee, Sunday School teacher and past Train-

ing Union Director of the Guntersville First Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend W. L. Martin of Guntersville for meritorious service to his state and county, for his deep involvement in the civic, religious and charitable areas of his community, and wish for him a long and happy retirement and all success in his future endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Martin and his wife, Marilyn, and to their daughters, Sandra and Kay, that they may know of our praise and warm wishes.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 242

H.J.R. 457—Quarles

HOUSE JOINT RESOLUTION

PRAISING DANITA HENDERSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Danita Henderson of Odenville, Alabama, daughter of Mr. and Mrs. Tommy Henderson, has been the recipient of numerous awards and honors at St. Clair County High School; and

WHEREAS, Miss Henderson was voted second alternate "Miss F.H.A." for 1976-77, was president of her F.H.A. class, won the school's third best model award for 1976-77, was voted the class favorite in the 10th grade, was a member of the student council in 9th grade, and has participated in many worthwhile charitable projects including the roadblock drive for cerebral palsy; and

WHEREAS, she also was secretary of her home room, was a cheerleader in the 8th and 9th grades, and holds a certificate for basic firemanship; her interests include home economics, physical education, skiing, boating and camping; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Danita Henderson of Odenville for outstanding achievement during her school career, congratulate her on honors received, and direct that a copy of this resolution be sent to her and to her parents as a token of our esteem.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 243

H.J.R. 458—Quarles

HOUSE JOINT RESOLUTION

COMMENDING KATHY HITT, OUTSTANDING ST. CLAIR COUNTY HIGH SCHOOL STUDENT.

WHEREAS, the Legislature of Alabama has learned of the many awards and honors bestowed upon Kathy Hitt, daughter of Glenda and Billy Ray Hitt, of Leeds, Alabama; and

WHEREAS, Kathy was voted "Miss F.H.A." and St. Clair County High School's best model for 1976-77, was a candidate for "Miss F.H.A." for three years, was president of F.H.A. in 1976-77, vice president in 1975-76, attended State F.H.A. in Montevallo in 1975-76 and has been active in all F.H.A. and executive council meetings and projects for several years; and

WHEREAS, she is an excellent student, was Junior class president, president of her home economics class for two years and is actively involved in work with her church where she also has served as president of her Sunday School class; her interests and hobbies include cooking, skating, singing, dancing, modeling, bowling and water skiing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Kathy Hitt of Leeds for her many accomplishments, awards and honors, and direct that a copy of this resolution be sent to her, and to her proud parents that they may know of our high praise.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 244

H.J.R. 459—Quarles

HOUSE JOINT RESOLUTION

COMMENDING GAIL LUCAS FOR ACADEMIC HONORS AND ACHIEVEMENT.

WHEREAS, The Alabama Legislature has noted the many outstanding accomplishments of Gail Lucas, daughter of Mrs.

Dorothy Lucas and the late Billy C. Lucas of Margaret, Alabama; and

WHEREAS, Miss Lucas, 17-year-old student at St. Clair County High School, is a two-year member of her school's chapters of the Honor Society and Beta Club and has participated actively in many projects of these honor organizations; she is a member of F.B.L.A. and has been a member of F.H.A. for three years, having served as secretary in 1976-77 and also was elected first alternate "Miss F.H.A." for 1976-77; and

WHEREAS, further, she is a four-year Pep Club member, has worked in the school office for four years, has participated in fashion shows for several years and was named best model in her home economics class for 1975-76; she is a member of the Macedonia Baptist Church where she teaches in the Training Union program, has served as Sunday School class president, president of the youth group and is a member of the youth and adult choirs; and

WHEREAS, Gail Lucas, who also is the granddaughter of Mr. and Mrs. Robert Oglesby of Margaret and Mrs. Audrey Lucas and the late William Lucas of Vincent, has many other special interests, perhaps most importantly, in working with children in all areas; she enjoys cooking, horseback riding, swimming, tennis and other sports; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Gail Lucas for the many awards and honors she has received and for her deep involvement in service to others, and direct that copies of this resolution be sent to her, her mother and other family members that they may know of our warm praise.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 245

H.J.R. 468—Ford, Rich, Brindley

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS.
HUBERT TAYLOR

WHEREAS, the Alabama Legislature, in its awareness that "good things come in small packages," is pleased to note the birth of James Ellis, a handsome baby boy born Saturday, April 9, 1977, to Representative and Mrs. Hubert Taylor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate our proud colleague, Hubert Taylor, and his lovely wife, Dink, and proud son, Mort, on this latest addition to their fine family, and wish for little James Ellis a long lifetime of happiness, wisdom and joy.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dink, Mort, and Hubert Taylor, and one to James Ellis that he may later know of our warm wishes for every success in life.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 246 H.J.R. 470—Robertson, Johnson, Lee, Howard,
Owens

HOUSE JOINT RESOLUTION

HONORING JUDGE W. AUBREY DOMINICK UPON HIS RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the retirement on January 1, 1977, of Judge William Aubrey Dominick, former member and Speaker Pro Tem of the Alabama House of Representatives; and

WHEREAS, Judge W. Aubrey Dominick was born in Moundville, Hale County, Alabama, son of John Roswell and Sue Willie Canon Dominick; he was educated in the public schools of Hale County, attended Emory University, received the degrees of A.B., 1927, and LL.B., 1929, from the University of Alabama, and began the practice of law in Tuscaloosa in 1929; and

WHEREAS, he was elected to the Alabama House of Representatives in 1934, serving two four-year terms, and as Speaker Pro Tem of the House during his second term; he also was a member of the Code Committee that compiled the 1940 Code of Alabama; and

WHEREAS, he was called to active duty in the United States Army as a Major in 1940 when the Alabama National Guard was activated, transferred to the Judge Advocate General Department and served in the European Theatre of operation in the Foreign Claims Investigating Service, was promoted to Colonel and was discharged with several military awards in 1946, as Chief of Claims of the Investigating Service, European Theatre; and

WHEREAS, Judge Dominick resumed the practice of law until he was appointed to the Bench as a Circuit Judge of the Sixth Judicial Circuit by Governor Lurleen Wallace and he was twice re-elected without opposition; and

WHEREAS, in addition to a successful law practice and distinguished service on the Bench, he has been active also in all social, civic, educational and religious affairs of his city, having served as President of the Tuscaloosa Rotary Club and as the first President of the Tuscaloosa YMCA established in that city; he further served as President of Tuscaloosa County Bar Association, as President of the Junior Chamber of Commerce and as President of the Greater Tuscaloosa Chamber of Commerce; he has taught for many years a Sunday School Class at the First United Methodist Church, has served as Chairman of the Official Board and is still serving, after a number of years, as Chairman of the Board of Trustees; and

WHEREAS, Judge Dominick is a member of Kappa Sigma fraternity, the American Legion, Veterans of Foreign Wars, and is a Mason and a Shriner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend, honor and praise Judge W. Aubrey Dominick for his distinguished career, for his lifetime of laudable service to his community, state and country, and direct that a copy of this resolution be presented to him as evidence of our warm appreciation and high esteem.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 247

H.J.R. 471—Edwards

HOUSE JOINT RESOLUTION

CONGRATULATING MISS HELEN BRUNER, 1977
HUNTINGDON COLLEGE HOMECOMING QUEEN.

WHEREAS, The Alabama Legislature notes that the lovely and charming Miss Helen Bruner of Fort Deposit, Alabama, has been chosen the 1977 Homecoming Queen at Huntingdon College; and

WHEREAS, she is a four-year member of Huntingdon's cheerleading squad, now serving as captain, and also a member of Tri-Sigma sorority, a charter member of Huntingdon's Chapter of Chi Omega and Sigma Nu fraternity "Little Sister"; and

WHEREAS, Queen Helen also was selected class beauty her junior and sophomore years, has served on the Huntingdon Christian Council, was alternate runner-up for "Miss Huntingdon" her junior year, and is on the Dean's List for outstanding academic performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Helen Bruner on being elected 1977 Homecoming Queen, applaud her many accomplishments as a Huntingdon College student, and direct that a copy of this resolution be sent to her that she may know of our warm praise.

Approved April 21, 1977

Time: 5:30 P.M.

Act No. 248

H.J.R. 473—Falkenburg, Waggoner

HOUSE JOINT RESOLUTION

NOTING THE SUCCESSFUL FIRST SEASON OF THE BIRMINGHAM BULLS AND URGING SUPPORT OF THE TEAM BY ALL CITIZENS OF ALABAMA.

WHEREAS, the Legislature of Alabama notes with extreme pleasure that the Birmingham Bulls set a World Hockey Association attendance record on February 4, 1977, with 17,489 spectators on hand, an all-time record also for any first-year professional major league hockey team; and

WHEREAS, this fine Birmingham team is the only professional sports franchise in the State of Alabama, and was brought to us through the efforts and financial backing of Mr. John Bassett who is president of the Birmingham Bulls; and

WHEREAS, a major campaign is now under way to reach a goal of 8,000 season ticket sales which would assure the continued success of the Birmingham Bulls in Alabama, thereby contributing immeasurably to the economy of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously voice our support of the Birmingham Bulls, heartily commend them for their record first-season attendance, and strongly urge that the citizens of Alabama continue their zealous support of our state's only professional sports team.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be presented to Mr. John Bassett, president, to Mr. Pete McAskile, vice-president, and to our fine Alabama citizens who are stockholders and serving as members of the board, that they may know of our deep appreciation for their efforts in bringing professional Ice Hockey to Alabama for the pleasure and enjoyment of all our citizens.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 249

H.J.R. 477—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING MISS VANESSA LEONARD FOR HER
OUTSTANDING ACHIEVEMENTS IN THE 4-H CLUB.

WHEREAS, Miss Vanessa Leonard has been active in 4-H for seven years; and

WHEREAS, Vanessa Leonard has displayed great enthusiasm and much talent with 4-H projects in a wide variety of fields including clothing, food-nutrition, safety, public speaking and junior leadership; and

WHEREAS, Vanessa Leonard has served as recreation leader and president of her 4-H club as well as vice president of the county 4-H council; and

WHEREAS, Vanessa Leonard has been chosen as the best county 4-H club president from Coosa County; and

WHEREAS, she has been selected to represent Coosa County in the statewide 4-H leadership competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend Miss Vanessa Leonard for her outstanding achievements in the 4-H club and wish her much success in the statewide 4-H leadership competition.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Vanessa Leonard.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 250

S.J.R. 308—St. John, Adams, Baker, Bank,
 Clemon, Edwards, Ellis, Fine,
 Gilmore, Goodwin,
 Higginbotham, Jones, King,
 Little, Littleton,
 McDonald (A), McDonald (S),
 McMillan, Miller, Mims,
 Mitchell, Noonan, Owen,
 Pearson, Peden, Perloff, Perry,
 Powell, Roberts, Shelby,
 Stewart, Teague, Vacca,
 Waldrop, Wilson

SENATE JOINT RESOLUTION

CONGRATULATING MISS SHEALY TORBERT ON HER
 SELECTION AS ALABAMA'S 1977 CHERRY BLOSSOM
 PRINCESS.

WHEREAS, The Powers-That-Be in Washington have
 shown the great good judgement to select Miss Shealy Torbert
 of Opelika to be Alabama's 1977 Cherry Blossom Princess; and

WHEREAS, Miss Torbert, a junior at the University of
 Alabama, is the daughter of our esteemed former colleague,
 Chief Justice C. C. "Bo" Torbert; and

WHEREAS, Miss Torbert, a young lady of great charm
 and beauty, with her father's warm and bubbling personality,
 was a most fortunate choice to represent our state in the Cherry
 Blossom festivities in Washington this past weekend; now,
 therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-
 BAMA, BOTH HOUSES THEREOF CONCURRING, That we
 do heartily congratulate Miss Shealy Torbert for this singular
 honor, and express our gratitude to her that our great state
 was represented by such a delightful young lady.

BE IT FURTHER RESOLVED, That copies of this resolu-
 tion be sent to Miss Torbert and to her parents, Chief Justice
 and Mrs. C. C. "Bo" Torbert.

Approved April 21, 1977.

Time: 5:30 P.M.

Act No. 251

H. 380—Biddle, Sasser, McNees, Smith (B),
Moore (O), White, Gafford, Manley

AN ACT

To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge and certain other disclosures; to make prohibition against admissibility inapplicable to complaining witness's sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, unless the context clearly indicates otherwise:

(a) "Complaining witness" means any person alleged to be the victim of the crime charged, the prosecution of which is subject to the provisions of this act.

(b) "Criminal sexual conduct" means sexual activity including, but not limited to rape, sodomy, sexual misconduct, sexual abuse, or carnal knowledge.

Section 2. (a) In any prosecution for criminal sexual conduct, or for assault with intent to commit, attempt to commit, or conspiracy to commit criminal sexual conduct, evidence relating to the past sexual history of the complaining witness, as defined in Section 1 of this act, shall not be admissible, either as direct evidence or on cross-examination of the complaining witness or of other witnesses, except as otherwise herein provided. For the purposes of this act past sexual behavior includes, but is not limited to evidence of the complaining witness's marital history, mode of dress, general reputation for promiscuity, nonchastity or sexual mores contrary to the community standards.

(b) In any prosecution for criminal sexual conduct, evidence relating to the past sexual behavior of the complaining witness shall be introduced if the court, following the procedure described in paragraph (c), finds that such past sexual behavior directly involved the participation of the accused.

(c) The procedure for introducing evidence as described in paragraph (b) shall be as follows:

(1) At the time the defense shall seek to introduce evidence which would be covered by subsection (b), the defense shall notify the court of such intent, whereupon the court shall conduct an in camera hearing to examine into the defendant's

offer of proof. All in camera proceedings shall be included, in their entirety, in the transcript and record of the trial and case.

(2) At the conclusion of the hearing, if the court finds that any of the evidence introduced at the hearing is admissible under paragraph (b), the court shall by order state what evidence may be introduced by the defense at the trial of the case and in what manner the evidence may be introduced.

(3) The defense may then introduce evidence pursuant to the order of the court.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1977.

Time: 5:45 P.M.

Act No. 252

H. 106—Manley

AN ACT

To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 (c) of Act 765, Regular Session, 1973 Alabama Legislature, is amended as follows:

Section 5. Application for First Certificate of Title.

(c) If the application is for a new vehicle, it shall be accompanied by the certified manufacturer's statement of origin showing proper assignments to the applicant. The manufacturer upon the shipment of a motor vehicle into this State shall forthwith furnish the dealer with such a certified statement of origin.

Section 2. Section 19 (b) of Act 765, Regular Session, 1973 Alabama Legislature, is amended as follows:

Section 19: Perfection of Security Interests.

(b) A security interest is perfected by the delivery to the Department of the existing certificate of title, if any, an application for certificate of title containing the name and address of the lienholder and the date of his security agreement, and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten (10) days thereafter, otherwise, as of the time of the delivery.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 253 H. 316—Smith (C), Plaster, Brindley, Turnham, Manley, Owens, Carter, Jackson (F), Sasser, Moore (O), Merrill, Smith (B), McCulley, Biddle, Boles, McNees, Williams, Falkenburg, Goodwin, Riddick, Trammell, Holmes (D), White, Lewis, Wyatt, Roberts, Martin, Baker, McMillan, McCluskey, Glass, Smith (J), Holley, Warren

AN ACT

To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 215(a4) is hereby amended to read as follows:

“Section 215(a4). In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each twenty-eight pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein, provided that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each

twenty-eight pupils in such increase in average daily attendance for such current year.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This amendatory Act shall have retroactive effect to the beginning of the 1976-77 school year.

Approved April 6, 1977.

Time: 5:45 P.M.

Act No. 254

H. 438—Smith (M), Higginbotham
AN ACT

Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

Be It Enacted By The Legislature of Alabama:

Section 1. The Chambers County Board of Education shall consist of five members, who shall be elected at the general election in 1978.

Section 2. The county, except for the city of Lanett, shall be divided into four school districts.
Descriptions of such districts are as follows:

a. School District 1

Beginning at the northwest corner of Chambers County, which is also the northeast corner of Tallapoosa County and the southern boundary of Randolph County; thence easterly along the Chambers-Randolph County line for a distance of 20.9 miles, more or less, to the northeast corner of Chambers County, which is also the western boundary of Troup County, Georgia; thence southeasterly along the eastern boundary of Chambers County, Alabama, and the western boundary of Troup County, Georgia, for a distance of 12.2 miles to the northern boundary of Township 22 North, Chambers County, Alabama; thence westerly along the said northern boundary of Township 22 North for a distance of 6.9 miles, more or less, to the northwest corner of Section 2, Township 22 North, Range 27 East, Chambers County, Alabama; thence southerly along the western boundary of Section 2, 11, 14 and 23, Township 22 North, Range 27 East, Chambers County, Alabama, for a distance of 4 miles, more or less, to Alabama Highway Number 50; thence northwesterly and westerly along Alabama Highway Number 50 for a distance of 4 miles, more or less,

to the western boundary of the Southeast Quarter of the Southwest Quarter of Section 18, Township 22 North, Range 27 East, Chambers County, Alabama; thence northerly along the western boundary of the Southeast Quarter of the Southwest Quarter of Section 18, the western boundary of the Northeast Quarter of the Southwest Quarter of Section 18, the western boundary of the Southeast Quarter of the Northwest Quarter of Section 18, the western boundary of the Northeast Quarter of the Northwest Quarter of Section 18, the western boundary of the Southeast Quarter of the Southwest Quarter of Section 7, the western boundary of the Northeast Quarter of the Southwest Quarter of Section 7, the western boundary of the Southeast Quarter of the Northwest Quarter of Section 7, for a distance of 1.5 miles, more or less, and being in Township 22, North, Range 27 East, to the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 7; thence westerly along the northern boundary of the southwest Quarter of the Northwest Quarter of Section 7 the northern boundary of the Southeast Quarter of the Northeast Quarter of Section 12, the northern boundary of the Southwest Quarter of the Northeast Quarter of Section 12, the northern boundary of the Southeast Quarter of the Northwest Quarter of Section 12, the northern boundary of the Southwest Quarter of the Northwest Quarter of Section 12, westerly along the northern boundary of the Southeast Quarter of the Northeast Quarter of Section 11, the northern boundary of the Southwest Quarter of the Northeast Quarter of Section 11, the northern boundary of the Southeast Quarter of the Northwest Quarter of Section 11, the northern boundary of the Southwest Quarter of the Northwest Quarter of Section 11, for a distance of 2.25 miles, more or less, and being in Township 22 North, Range 27 and 26 East, to the eastern boundary of Section 10, Township 22 North, Range 26 East; thence southerly along the eastern boundary of Section 10, 15 and 22, Township 22 North, Range 26 East for a distance of 2.6 miles, more or less to Alabama Highway Number 50; thence southwesterly and westerly along Alabama Highway Number 50 for a distance of 12 miles, more or less, to the western boundary of Chambers County, which is also the eastern boundary of Tallapoosa County; thence northerly along the Chambers-Tallapoosa County line for a distance of 19.6 miles, more or less, to the northwest corner of Chambers County which is also the northeast corner of Tallapoosa County, the southern boundary of Randolph County and the point of beginning.

b. School District 2

Beginning at the southwest corner of Chambers County, Alabama, which is also the northern boundary Lee County and the eastern boundary of Tallapoosa County; thence northerly

along the Chambers-Tallapoosa County line for a distance of 6.5 miles, more or less, to Alabama Highway Number 50; thence northeasterly and easterly along Alabama Highway Number 50 for a distance of 12 miles, more or less, to the western boundary of Section 23, Township 22 North, Range 26 East; thence northerly along the western boundary of Section 23, 14 and 11, Township 22 North, Range 26 East, for a distance of 2.6 miles, more or less, to the northwest corner of the Southwest Quarter of the Northwest Quarter of Section 11, Township 22 North, Range 26 East; thence easterly along the northern boundary of the Southwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter of Section 11, easterly along the northern boundary of the Southwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter of Section 12, Township 22 North, Range 26 East and easterly along the northern border of Southwest Quarter of the Northwest Quarter of Section 7, Township 22 North, Range 27 East for a distance of 2.25 miles, more or less, to the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 7; thence southerly along the eastern boundary of the Southwest Quarter of the Northwest Quarter of Section 7, the eastern boundary of the Northwest Quarter of the Southeast Quarter of Section 7, the eastern boundary of the Southwest Quarter of the Southwest Quarter of Section 7, the eastern boundary of the Northwest Quarter of the Northwest Quarter of Section 18, the eastern boundary of the Southwest Quarter of the Northwest Quarter of Section 18, the eastern boundary of the Northwest Quarter of the Southwest Quarter of Section 18, the eastern boundary of the Southwest Quarter of the Southwest Quarter of Section 18, all in Township 22 North, Range 27 East, for a distance of 1.5 miles, more or less, to Alabama Highway Number 50; thence southeasterly and easterly along Alabama Highway Number 50 for a distance of 4 miles, more or less, to the Southwest corner of Section 23, Township 22 North, Range 27 East; thence northerly along the western boundaries of Section 23, 14, 11 and 2, Township 22 North, Range 27 East, for a distance of 4 miles, more or less; to the northwest corner of Section 2, Township 22 North, Range 27 East; thence easterly along the northern boundary of Township 22 North of Chambers County, Alabama, for a distance of 7 miles, more or less, to the state line between the States of Alabama and Georgia; thence southeasterly along the line between the States of Alabama and Georgia $3\frac{1}{2}$ miles, more or less, to the northeast corner of the city limits of the City of Lanett, Alabama; thence in a northwesterly direction along

the northern boundary of the Lanett City limits in Sections 24 and 23, Township 22 North, Range 28 East, for a distance of 1.4 miles, more or less, to the northwest corner of the Lanett City Limits; thence in a predominantly southwesterly direction along the western boundary line of the Lanett City Limits in Section 23, Township 22 North, Range 28 East, to the northwest corner of Section 26, Township 22 North, Range 28 East; thence South along the west boundary of said Section 26 and the western boundary of the Lanett City Limits to the southwest corner of said Section 26; thence East along the south line of said Section 26 and the boundary of the city limits of Lanett 3200 feet, more or less; thence in a southeasterly direction along the boundary of the Lanett City Limits 3300 feet, more or less, to a point in Section 36, Township 22 North, Range 28 East, on the north side of the right-of-way of the Western Railway of Alabama railway tracks; thence in a northeasterly direction along the north side of the right-of-way of said railway company and the boundary of the Lanett City Limits 400 feet to the bridge over the Western Railway of Alabama railway track; thence in a northeasterly direction along the western boundary of the Chattahoochee Valley Railroad right-of-way and the boundary of the Lanett City Limits to the north margin of 10th Street South in the City of Lanett; thence in a generally westerly direction along the north margin of 10th Street South to the west margin of Gilmer Avenue in the City of Lanett; thence in a northerly direction along the west side of Gilmer Avenue to the point where the west side of Gilmer Street in the City of Lanett, Alabama, is intersected by the state line between the States of Alabama and Georgia, said intersection being the point where Gilmer Street leaves the City of West Point, Georgia; thence continuing in a southeasterly direction along the line between the States of Alabama and Georgia to the high water mark on the western bank of the Chattahoochee River; thence in a generally southeasterly direction along said western boundary of the Chattahoochee River, which is the line between the States of Alabama and Georgia, to Interstate Highway No. 85; thence southwesterly along Interstate Highway No. 85 for a distance of 5400 feet, more or less, to Moore's Creek; thence northwesterly along Moore's Creek for a distance of 7,000 feet, more or less, to an unnamed creek; thence southwesterly along an unnamed creek for a distance of 7500 feet, more or less to Hop Lewis road; thence South along Hop Lewis road for a distance of 600 feet, more or less, to the southern boundary of Township 22 North; thence West along the southern boundary of Township 22 North for a distance of 3.4 miles, more or less, to the eastern boundary of Range 27 East; thence southerly along the eastern boundary of the said Range 27 East, for a distance of 8 miles, more or less, to the southern boundary of Chambers County,

Alabama, and the northern boundary of Lee County, Alabama, at the southeast corner of Section 12, Township 20 North, Range 27 East, Chambers County, Alabama; thence westerly along the Chambers-Lee County line for a distance of 7 miles, more or less, to the southwest corner of Section 12, Township 20 North, Range 26 East, Chambers County, Alabama; thence northerly along the Chambers-Lee County line and the western boundary of the said Section 12 for a distance of 0.5 miles, more or less; thence westerly along the Chambers-Lee County line and the half section line of Section 11, Township 20 North, Range 26 East, for a distance of 0.5 miles, more or less; thence northerly along the half section line of Section 11, Township 20 North, Range 26 East, for a distance of 0.5 miles, more or less; thence westerly along the Chambers-Lee County line and the northern boundary of Section 11 and 10, Township 20 North, Range 26 East for a distance of 1.0 miles, more or less; thence southerly along the Chambers-Lee County line and the half section line of Section 10, Township 20 North, Range 26 East, for a distance of 1.0 mile, more or less; thence westerly along the Chambers-Lee County line and the southern boundary of Section 10, 9, 8, and 7, Township 20 North, Range 26 East, for a distance of 3.0 miles, more or less; thence northerly along the Chambers-Lee County line and the half section line of Section 7, Township 20 North, Range 26 East, for a distance of 0.5 mile, to the center of Section 7, Township 20 North, Range 26 East, Chambers County, Alabama; thence westerly along the Chambers-Lee County line and the half section line of said Section 7 for a distance of 0.5 miles, more or less, to the northeast corner of the Southeast Quarter of Section 12, Township 20 North, Range 25 East, Chambers County, Alabama; thence southerly along the eastern boundary of said Section 12 for a distance of 0.5 miles, more or less, to the southeast corner of said Section 12; thence westerly along the Chambers-Lee County line and the southern boundary of Section 12, 11, 10, 9, and 8, Township 20 North, Range 25 East, Chambers County, Alabama, for a distance of 4.5 miles, more or less, to the southwest corner of the Southeast Quarter of Section 8, Township 20 North, Range 25 East; thence northerly along the Chambers-Lee County line and the half section line of the said Section 8 for a distance of 0.5 miles, more or less, to the southeast corner of the Northwest Quarter of said Section 8; thence westerly along the Chambers-Lee County line and the southern boundary of the Northwest Quarter of said Section 8 for a distance of 0.5 miles, more or less, to the northeast corner of the Southeast Quarter of Section 7, Township 20 North, Range 25 East, Chambers County, Alabama; thence southerly along the Chambers-Lee County line and the eastern boundary of the Southeast Quarter of said Section 7 for a distance of 0.5 miles, more or less, to the southeast corner of said Section 7; thence westerly

along the Chambers-Lee County line and the southern boundary of said Section 7 for a distance of 1.0 mile, more or less, to the southwest corner of Chambers County, the point of beginning.

c. School District 3

Beginning at the southwest corner of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama, which is also the southern boundary of said Chambers County and the northern boundary of Lee County, Alabama; thence northerly along the western boundary of Range 28 East for a distance of 7 miles, more or less, to the northwest corner of Township 21 North, Range 28 East, Chambers County, Alabama; thence easterly along the northern boundary of Township 21 North, Range 28 East, Chambers County, Alabama, for a distance of 3.4 miles, more or less, to the Hop Lewis road; thence northerly along the Hop Lewis road for a distance of 600 feet, more or less; thence northeasterly along an unnamed creek for a distance of 7500 feet, more or less, to Moores Creek; thence southeasterly along Moores Creek for a distance of 7,000 feet, more or less, to Interstate Highway Number 85; thence northeasterly along Interstate Highway Number 85 for a distance of 5400 feet, more or less, to the eastern boundary of Chambers County, Alabama, and the western boundary of Harris County, Georgia; thence southeasterly, northeasterly, easterly and southeasterly along the western boundary of the Chattahoochee River at mean water level, which is also the eastern boundary of Chambers County, Alabama, and the western boundary of Harris County, Georgia, for a distance of 1.9 miles, more or less, to the Southern Natural Gas line; thence southwesterly along the Southern Natural Gas line for a distance of 2.1 miles, more or less to Moores Creek; thence southerly and southeasterly along Moores Creek for a distance of 1.3 miles, more or less, to Red Dirt Hill road (Chambers County Highway 18) at Langdale; thence westerly, northwesterly and southwesterly along Red Dirt Hill road for a distance of 2.5 miles, more or less, to Interstate Highway Number 85; thence southwesterly along Interstate Highway Number 85 for a distance of 7.7 miles, more or less, to the southern boundary of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama, which is the southern boundary of Chambers County, Alabama, and the northern boundary of Lee County, Alabama; thence westerly along the southern boundary of Section 6, Township 20 North, Range 28 East, and the Chambers-Lee County line for a distance of 0.15 miles to the southwest corner of Section 6, Township 20 North, Range 28 East and the point of beginning.

d. School District 4

Beginning at the intersection of the Chambers-Lee County line

and Interstate Highway Number 85, which is also the southern boundary of Section 6, Township 20 North, Range 28 East, Chambers County, Alabama; thence northeasterly along Interstate Highway Number 85 for a distance of 7.7 miles, more or less, to the intersection of Interstate Highway Number 85 and the Red Dirt Hill road (Chambers County Highway 18); thence easterly, northeasterly and southeasterly along the Red Dirt Hill road for a distance of 2.5 miles, more or less, to Moores Creek at Langdale; thence northerly and northwesterly along Moores Creek for a distance of 1.3 miles, more or less, to the Southern Natural Gas line; thence northeasterly along the Southern Natural Gas line for a distance of 2.1 miles, more or less, to the eastern boundary of Chambers County, Alabama, and the western boundary of Harris County, Georgia, the mean water level and western boundary of the Chattahoochee River; thence meandering in a southerly direction along the western boundary of the Chattahoochee River, the eastern boundary of Chambers County, Alabama, and the western boundary of Harris County, Georgia, for a distance of 10 miles, more or less, to the southeast corner of Chambers County, Alabama, and the northern boundary of Lee County, Alabama; thence westerly along the southern boundary of Chambers County, Alabama, and the northern boundary of Lee County, Alabama, for a distance of 8.6 miles, more or less, to the intersection of Interstate Highway Number 85 and the point of beginning.

Section 3. Each district shall elect one board member by a majority vote of the qualified electors within such district. Such member shall be a bona fide resident of the district which he represents. The fifth board member shall be elected by the county at large, except for the city of Lanett.

Section 4. Members for Districts 1 and 2 shall be initially elected for two (2) year terms. Members for Districts 3 and 4 shall be initially elected for four (4) year terms. The county-at-large member shall be initially elected for a six (6) year term. The successors for all such members shall be elected for six (6) year terms.

Section 5. Members of the county board of education elected under the provisions of this act shall take office at the first meeting of the Chambers County Board of Education following their election.

Section 6. Members of the county board of education who are presently serving shall remain in office until their successors are elected and qualified.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 255

H. 540—Crowe, Sparks

AN ACT

Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The district judge in Winston County may employ a secretary who shall be paid a salary of \$700 per month out of the county general fund in the same manner as other salaries are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall be retroactive to January 16, 1977.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 256

H. 764—Cross

AN ACT

Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census all volunteer fire departments heretofore or hereafter organized and existing in good faith for purposes other than pecuniary gain and not for individual profit are hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid, or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 257

H. 852—Kinsey, McMillan

AN ACT

Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any area situated entirely within Baldwin County may establish a public service district within the county as public corporations to provide public services within the county for the fighting and prevention of fires. Such fire district shall be created in a manner hereinafter provided. Provided, however, that no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district. Any public service organization created for fire fighting and prevention as hereinafter provided shall be authorized to contract with any municipality in Baldwin County for providing such public services to a municipality or any part thereof.

Section 2. The affairs and business of any fire district hereby created shall be managed by a Board of Trustees consisting of nine members appointed by the governing body of

the County. No person shall be appointed to said Board unless he is a qualified elector of the district. Appointment shall be for a term of three years provided, however, that to stagger the terms, three of the first nine members first appointed shall be appointed for a term of one year, three shall be appointed for a term of two years, and three shall be appointed for a term of three years. Thereafter, all successors to the board shall serve terms of office for three years.

The Board of Trustees shall elect annually from its own number a President and a Secretary Treasurer. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement from the fire prevention fighting organization for all expenses incurred by them in the performance of their duties.

Section 3. Any fire district hereby created shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interest therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgage, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any part of its property, as hereinafter provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this Act, subject to the limitations prescribed in said Act. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

Section 4. The expense of establishing and maintaining any such fire district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from persons and properties served by the system. Such charge shall be a personal obligation of the occupant of the property served by the system; and to secure the collection of the charge there shall be a lien against said

property in favor of the fire district, which lien shall be enforceable by sale of such encumbered property in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

Section 5. The probate judge of the county shall, upon receiving a petition as herein described, order an election to be held in the proposed fire district on the questions on which the petition requests an election.

a. The petition shall be signed by at least 100 qualified electors residing within the boundaries of the proposed fire district.

b. The petition shall contain a description of the area which it is proposed be established as a fire district; and the petition shall request the Probate Judge to call an election on substantially the following questions: Shall there be created for the area a fire fighting and prevention service district?

c. The petition shall state the name, location and description of the proposed fire district. The Board of Trustees of a district may change the name of the district by filing in the office of the Probate Judge a copy of a resolution changing the name thereof, which copy shall be certified by the President of the Board of Trustees.

The petition for election on the establishment of a fire district shall include a provision of the question of levying any proposed service charges, fees, rates, bonds or other indebtedness, pursuant to the proposed district. The request for the election on the proposed fire district and the request for an election on any proposed service charges, fees, rates, bonds, or other indebtedness, pursuant to the proposed district, shall be combined in a single petition.

Section 6. When a petition for the holding of any election hereunder is filed with the Probate Judge not less than thirty days and not more than sixty days prior to some other election to be held in the territory in which an election is sought by a petition, the Probate Judge shall order the election sought by the petition to be held on the same day as such other election is held.

If the petition is not filed at such time as will permit the election sought thereby to be held at the time some other election is held, as provided for in the next foregoing sentence, the Probate Judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty days from the date on which the Probate Judge enters said order.

The provisions of this section shall apply to all elections provided for by the Act.

Section 7. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder.

Section 8. The Probate Judge shall give notice of any election held under this Act by publishing for three weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 9. Where an election is held on the question of the establishment of a fire district, the governing body of the county shall pay for the necessary expense of advertising and conducting such election out of the general funds of the county; provided, however, that if such district is established, the district shall reimburse the county for the expenses incurred by the county in respect to said election.

After a fire district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district.

Section 10. No fire district shall be created unless the creation thereof, the rates, charges, fees, bonds or other indebtedness are approved by the majority of votes cast at the election at which the proposed district is submitted. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 11. Subsequent to the creation of any fire fighting and prevention district, any further proposals concerning service charges, rates, fees, bonded indebtedness or other financing arrangements concerning the district shall be approved by the qualified voters in an election called by the Probate Judge upon a petition therefor submitted by the Board of Trustees of the district.

The Board of Trustees shall file in the office of the Probate Judge a petition that he call an election in the district on the question of whether the charges, fees, rates, or indebtedness proposed by the Trustees shall be levied.

The petition shall state specifically any charges, rates,

fees, or indebtedness which it is proposed shall be levied. The petition may request that an election be held on more than one proposed charge, rate, fee, or indebtedness. Upon the petition being filed with the Probate Judge, he shall order an election to be held within the time provided for by Section 6 above.

Section 12. (a) A fire district may be enlarged in accordance with the terms of this section: provided, however that no area lying within a municipality at the time of the enlargement shall be brought within the district. (b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approve the inclusion of the area within the district and also approve every service charge in effect within the district at the time of the election. (c) The term "proposed area," as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the Board of Trustees of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the inhabitants of the proposed area, the Board of Trustees may file in the office of the Probate Judge a petition that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge in effect within the district at the time of the election is approved. Upon such petition being filed; the Probate Judge shall order an election to be held within the proposed area, within the time provided for in Section 6 above, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election the proposed area shall become a part of the district.

Section 13. Any fire district created hereunder may be abolished in the manner provided for in this section; provided, however, that no district shall be abolished when it has any indebtedness.

Upon petition for abolition of a fire district, conforming to the requirements set forth below, being filed with the Probate Judge, he shall order an election on abolition of the district

to be held in the district within the time provided for by Section 6 at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors of the district. It shall contain a recital that the district is not indebted; and it shall request the Probate Judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 14. The provision of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 258

H. 876—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

Be It Enacted by the Legislatue of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission in all counties to which this act applies may hire a secretary for the district court judge. The county commission shall set the salary of the secretary at no more than \$550 per month, which shall be paid out of the county general fund.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 259

H. 877—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission in all counties to which this act applies may hire up to three additional assistants for the circuit clerk's office. The salary and method of funding shall be determined by said county commission.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 260

H. 879—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The superintendent of education in all such counties, at the beginning of the next term of office for the superintendent of education, shall receive a salary in the amount of \$20,000 per annum and an allowance for car expenses of \$1,200 per annum, in-county travel expenses of \$1,800 per annum and shall be paid out-of-county travel expenses as earned and approved by the county board of education.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 261

H. 930—Merrill, Holmes (D), Quarles, Shelton

AN ACT

Relating to all counties having a population of not less than 95,000 no more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Such county commissions to which the provi-

sions of this act applies shall reimburse the office of license commissioner from the general fund of such counties the dred dollars (\$2,500.00) per annum arising or caused by error, amount of any monetary loss not to exceed twenty-five hundred dollars if mistake or omission was caused without his personal knowledge, including loss arising from acceptance of worthless or forged checks, drafts, money orders or other written orders for money or its equivalent.

Section 3. It shall be the duty of the license commissioner to insure that his employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of his office.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 262

H. 139—Weeks, McNees

AN ACT

To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing

revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, or bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein;

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Board” means the board of directors of the Authority.

“Bonds” means and shall include bonds and notes.

“County” means a county in the state.

“Director” means a member of the board of directors of the Authority.

“Governing body” means the Court of County Commissioners, Board of Revenue, or other like governing body of a county.

"Municipality" means an incorporated city or town of the state.

"Person" unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

"Property" means and includes real and personal property, and interests therein.

"State" in the absence of clear implication herein otherwise, means the State of Alabama.

"Watershed" means and includes all land in the counties of Marion and Lamar, lying within fifteen miles of the Buttahatchee River and any of its tributaries.

"Herein", "hereby", "hereunder", "hereof", and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Purpose and Nature of the Authority. In the interest of the unified development of the Buttahatchee River and its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes, there is hereby authorized, and shall be established as hereinafter provided, a development Authority for the Alabama portion of the Buttahatchee River watershed. The Authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the State of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

Section 3. Number and Composition of the Board of Directors. The board of directors of the Authority shall consist of eight members, designated herein as directors, as follows:

(a) The governing body of each of the counties of Marion and Lamar, shall appoint a director of the Authority who shall be a person residing in the county whose governing body makes the appointment and who shall be active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the Buttahatchee River watershed as a basis for its

general economic growth. The terms of office of each director so appointed shall be six years, the term of the first directors so appointed to commence on the date on which there shall be filed with the Judge of Probate of Marion County the certificate of incorporation provided for in Section 4 hereof. The governing body of each of the above-named counties shall appoint successors to the first director so appointed by it, and any vacancy in the office of a director so appointed by it shall be filled by the same governing body by another appointment for the unexpired term.

(b) Each Governor of Alabama shall appoint a director from his cabinet or staff, to serve during the term of office of the Governor making the appointment. Any vacancy in the office of a director so appointed shall be filled by appointment by the same Governor for the unexpired term.

(c) The mayor or other chief executive officer of each of the municipalities of Hamilton, Sulligent, Detroit, Hackleburg and Guin and their successors, shall serve as directors during the respective term of office of such mayor or other chief executive officer.

Section 4. Procedure to Incorporate; Contents of Certificate of Incorporation. To become a corporation, the persons who are designated to become members of the initial board of directors of the Authority, as provided in Section 3 of this act, shall present to the Judge of Probate of Marion County, a certificate of incorporation signed by them which shall contain: (1) the name and official residence of each of the said persons; (2) the term of office of each of the said persons as such directors; (3) the name of the proposed corporation which shall be the Buttahatchee River Development Authority; (4) the location of the principal office of the proposed corporation which shall be in one of said named counties; and (5) any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The certificate of incorporation shall be accompanied by: (i) a certificate by the clerk of each of the municipalities of Hamilton, Hackleburg, Guin, Sulligent and Detroit, which certificate shall identify the mayor or other chief executive officer of such municipality and shall set forth the date on which the current term of office of the mayor or other chief executive officer will expire; (ii) a certificate by the clerk of each governing body of the counties of Marion and Lamar, which certificate shall set forth the date on which the term of office of each member of such governing body expires; (iii) a certified copy of a resolution adopted by each of the governing bodies of the counties of Marion and Lamar, appointing a director from such county; and (iv) a

certified copy of an order of the Governor appointing a director. The signing of the certificate of incorporation by any person as mayor or other chief executive officer of one of the aforementioned municipalities shall be void unless, at the time of such signing and at the time the Authority comes into existence, the said person is the mayor or other chief executive officer of such municipality; the signing of the certificate of incorporation by any person appointed as a director by the governing body of any county shall be void unless, at the time the Authority comes into existence, at least two-thirds of the membership of such governing body is the same as the membership at the time of the adoption by such governing body of a resolution appointing such person as a director; the signing of the certificate of incorporation by any person as the director appointed by the Governor shall be void unless, at the time the Authority comes into existence, the same Governor is in office who appointed such person. The certificate of incorporation shall be subscribed and sworn to by each of the said persons before an officer authorized by the laws of this state to take acknowledgements to deeds. The said Judge of Probate shall examine the certificate of incorporation presented to him and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the Authority shall thereupon come into existence. There shall be no fees paid to the Judge of Probate for any work done in connection with the incorporation above provided for.

Section 5. Meetings of the Board of Directors. As soon as may be practicable after completion of the incorporation as provided in Section 3 and 4 hereof, the board of directors shall hold their first meeting at Hamilton, Alabama, elect a Chairman, Vice Chairman, and Secretary-Treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The Chairman and Vice Chairman shall be elected from the membership of the board; the Secretary-Treasurer may, but need not, be elected from the membership of the board.

Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Authority.

The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business

shall be four members. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

Section 6. General Powers of the Authority. The general powers, duties, and functions of the Authority shall be as follows:

(a) General. The Authority:

(1) Shall have perpetual succession in its corporate name; (2) May sue and be sued in its corporate name; (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed; (4) May enter into such contracts and cooperative agreements with federal, state, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Buttahatchee River Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this act, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states, and with counties and municipalities in and agencies of such states; (5) May adopt, amend, and repeal by-laws; (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the Authority from any source.

The Authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment in any court other than the courts of Marion County, Alabama; and provided, further, that the officers, directors, agents and employees of the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment for actions in behalf of the Authority in any court other than the courts of Marion County, Alabama; and provided, further, that no claim or cause of action, based wholly or in part upon allegations which call into question the validity of the Authority, shall be heard or adjudicated in any court other than the courts of Marion County, Alabama.

(b) Formulation and Execution of Development Plans. The Authority is authorized to:

(1) Investigate the resources of the Buttahatchee River

watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area; (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development; (3) Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans; (4) Arrange with the state and with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; (5) In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

(c) Land Acquisition. The Authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in land, including leaseholds and easements, and water rights in the Buttahatchee River watershed that the board determines to be necessary to the control and optimum development of the Buttahatchee River and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes. The amount and character of the interest in land, rights in land, and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The Authority's power of eminent domain may be exercised under Title 19 of the Code of Alabama, and any amendments thereto, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The Authority is ex-

pressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Buttahatchee River watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

(d) Management and Operation. The Authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply; (2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands; (3) Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the Authority's development plan and subject to such restrictions as the Authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the Authority deems appropriate to its over-all development plan; (4) Acquire or operate shoreline lands of reservoirs owned by the United States of America, as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; (5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area; (6) Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the Authority; (7) Provide for such insurance as the board may deem advisable; (8) To fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply.

(e) Financing. The Authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from

the facilities and other property of the Authority or out of the revenues of any particular facilities and other property of the Authority; and (2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the Authority from any source, by a mortgage or deed of trust covering the Authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create an obligation or debt of the state or of any county or municipality.

Section 7. Rates and Charges. Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of con-

nection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

Section 8. Bonds of the Authority. All bonds issued by the Authority shall be signed by the Chairman of its board of directors and attested by its Secretary-Treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the said Chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of an interest on any bonds and other securities issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds of other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the

original obligor from liability on any bond or other obligation assumed by the Authority. All bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the Authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenue subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 9. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improvements thereto. Any contract pur-

suant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the Authority hereunder.

Section 10. Statutory Mortgage Lien. Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such facilities or other property may be located of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 11. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 12. Exemption from Taxation. The Authority, its income, the property of the Authority while owned by it, all bonds issued by the Authority, the income from such bonds,

conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the Authority in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 13. Monetary Contributions by Counties and Municipalities. Marion and Lamar Counties, and the municipalities named in Section 3(c) hereof are each hereby authorized and empowered to contribute to the Authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such counties or municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 14. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This act is intended to aid the State of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. Except as in this act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the acquisition of any property or facilities, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing herein shall be construed to repeal the requirement for obtaining the permit provided for in Section 130 of Title 22 of the Code of Alabama of 1940, as amended.

Section 15. Use of Public Roads. The Authority is hereby authorized to use the rights of way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of

Alabama; provided, however, that nothing herein shall be construed to exempt the Authority from the requirements of Section 28 of Title 23 of the Code of Alabama of 1940, as amended; and provided, further, that the Authority shall have the duty to restore at its expense all roads, highways and public rights of way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 16. Annual Reports. The board of directors of the Authority shall report annually to the Governor of Alabama and shall likewise report annually to the governing bodies of Marion and Lamar Counties and the incorporated municipalities named in Section 3(c) hereof. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 17. Cooperation of State Agencies. All agencies of the state are hereby authorized and directed to extend their cooperation and lend assistance to the Authority in the formulation and implementation of its development program.

Section 18. Advisory Board. For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the Authority (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as feasible industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of the Buttahatchee River watershed.

Section 19. Construction of Act. The act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Buttahatchee River watershed.

Section 20. Severance in Event of Partial Invalidity. If any provision of this act or application thereof to any person or circumstances should be held invalid, such invalidity shall not affect any other provisions or application of the act which can be given without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 21. Enabling Legislation; When Effective. This

act is intended to implement the provisions of an amendment to the Constitution of Alabama, as proposed by the current session of the Legislature, relating to the subject expressed therein, and is enacted pursuant thereto. If the constitutional amendment is ratified, this act shall thereupon become effective immediately; if the proposed amendment is not ratified, this act shall have no effect.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 263

H. 470—Kinsey

AN ACT

To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Recompiled 1958, Title 22, Sections 140(19) — 140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act"; so as to exempt Baldwin County from the provisions of that act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 140(19)- 140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act", is hereby amended to read as follows:

"Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided that the provisions of this act shall not be effective in or apply to Baldwin County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

April 26, 1977.

Time: 5:45 P.M.

Act No. 264

H. 555—Drake, Sparks

AN ACT

To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. It shall be unlawful to sell, offer for sale or to use steel leg-hold traps designed for the purpose of capturing wild animals.

Section 3. Any one convicted of violating the provisions of this act shall be guilty of a misdemeanor.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P. M.

Act No. 265

H. 1058—Robertson, Johnson, Howard, Owens

AN ACT

To amend and reenact Act No. 1248, H. 1567 of the Regular Session

of 1969 (Acts of 1969, p. 2349), so as to incorporate into such act provisions authorizing each of the several governing bodies forming the Tuscaloosa County Park and Recreation Authority to withdraw therefrom and regulating such withdrawals; and to give such amendments retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1248, H. 1567 of the 1969 Regular Session (Acts 1969, p. 2349) is hereby amended and reenacted to read as follows:

‘ ‘ A B I L L
T O B E E N T I T L E D
A N A C T

“To authorize the governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport to create the Tuscaloosa County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

Be It Entitled by the Legislature of Alabama:

“Section 1. The governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport are hereby authorized to create The Tuscaloosa County Park and Recreation Authority to serve the County of Tuscaloosa, and the cities therein.

“Section 2. Such Authority shall be created when each of the three governing bodies named above shall adopt a resolution signifying their desire that such an Authority be created and fixing the effective date for its coming into existence, and shall file such resolutions in the Office of the Judge of Probate of Tuscaloosa County, Alabama. When such Authority is brought into existence as herein authorized, it shall not be dissolved by the withdrawal of any of the governing bodies therefrom for a period of one year and, thereafter, no such governing body shall withdraw therefrom except at the end of a fiscal year of such Authority.

“Section 3. Such authority shall be governed by a board consisting of eight respected citizens of Tuscaloosa County carefully selected for their knowledge and interest in parks and recreation and for their community leadership. Such members shall be appointed as follows.

“REGULAR SESSION

“(a) The governing body of the City of Tuscaloosa shall appoint one member for a one year term, one member for a

two year term, and one member for a three year term; and shall thereafter appoint successors to such members for terms of three years.

“(b) The governing body of the City of Northport shall appoint one member for a term of three years and shall thereafter appoint his successors to terms of three years.

“(c) The governing body of Tuscaloosa County shall appoint one member for a term of one year and one member for a term of three years, and shall thereafter appoint successors to such members for terms of three years.

“(d) The Tuscaloosa City Board of Education shall appoint one member for a term of two years and shall thereafter appoint the successors to such member for terms of three years.

“(e) The Tuscaloosa County Board of Education shall appoint one member for a term of one year and shall thereafter appoint the successors to such member for terms of three years.

“The board shall elect annually from among its own number a chairman who shall vote only in the event of a tie. The board shall adopt rules and regulations covering its policies and procedures, and the use of lands, buildings and facilities under its jurisdiction. No member of the board shall receive any compensation for services rendered as a member of such board. It shall be unlawful for any member of such board to have contractual relations with such board involving the sale or lease of land, personal property, facilities or the performance of services.

“Section 4. The board shall appoint a Director of Parks and Recreation and prescribe his duties, qualifications, authority and compensation. The director shall employ any personnel the board deems necessary to carry out the purposes of this act and the director shall prescribe their qualifications, duties, authority and compensation.

“Section 5. The board shall direct, supervise, and promote such recreation programs as will contribute to the general welfare of the residents of the county, it shall have control over all lands, buildings, equipment and other facilities purchased or leased by it, or assigned to it for recreational purposes by the county, by the City of Tuscaloosa, by the City of Northport, or otherwise acquired by it.

“Section 6. The board is hereby authorized to:

“(a) Enter into contracts with and cooperate fully with other local agencies, state agencies and federal agencies for the

purpose of maintaining and improving the recreational services and facilities of the county.

“(b) Acquire lands, buildings, and facilities for recreational purposes through purchase, lease, gift, or sale;

“(c) Accept grants or loans from the federal government, state government, foundations, etc. when such grants or loans are available.

“(d) Borrow money for recreational purposes and issue revenue bonds under such terms as may be practicable.

“Section 7. The Tuscaloosa Park and Recreation Board, the Northport Park and Recreation Board, heretofore created are hereby abolished upon the creation of Tuscaloosa County Park and Recreation Authority and all buildings, land and facilities hereby controlled by such board and authorities are hereby placed under the control, and shall be maintained by, the Tuscaloosa County Park and Recreational Authority; provided, however, that the title to any real property used or controlled by such authority shall be retained by its present owner if so desired; and provided, further, that if any governing body should elect as hereinabove authorized, to withdraw from such Authority and to withdraw its buildings, lands and facilities from the control of the Authority, nothing herein shall prevent the re-establishment of a City Park and Recreation Board as may be otherwise authorized by law.

“Section 8. The governing bodies of Tuscaloosa County, the City of Tuscaloosa and the City of Northport shall each appropriate to the authority authorized herein any funds the governing bodies deem advisable to carry out the purposes of this act.

“Anticipated revenue of the authority shall be included in the annual budget and all revenue accrued by the authority shall be retained by the authority.

“Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

“Section 10. All laws or parts of laws which conflict with this act are repealed.

“Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. This act shall be retroactive and shall be effective from and after September 13, 1969.

April 26, 1977.

Time: 5:45 P.M.

Act No. 266

H. 1059—Kinsey, McMillan

AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violations of this act, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The following words as used in this act shall have the meaning as indicated:

(a) "Board" means the County Water Well Standards Board.

(b) "Director" means the sanitarian of the county.

(c) "Drill" means to drill or redrill, bore, auger, dig or otherwise construct a water well.

(d) "Driller" means any person who manages or supervises the drilling of a water well.

(e) "Log" means a record of the type of material or rock penetrated in the drilling of a water well.

(f) "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them operating a business to drill water wells.

(g) "Sample" means cuttings or other fragments of rock or soil materials removed from the well.

(h) "Well" means a hole drilled for the production of water.

(i) "County" means any county described in Section 1 hereof.

Section 3. In each applicable county, there is hereby created a county board to be known as the County Water Well Standards Board, consisting of five (5) members as follows:

(a) One member shall be a licensed well driller residing in the county.

(b) One member shall be a resident of an area not served by rural or municipal waterworks.

(c) One member shall be an active member of the county homebuilders association.

(d) The two remaining members must be residents of the county.

Each member of the county governing body shall appoint one member to the board hereby created. Board appointees shall serve at the pleasure of the county governing body and shall serve terms of office coterminous with their respective appointing authorities. Any vacancy on the board which may occur from any cause shall be filled by appointment for the unexpired term in the same manner as regular appointments are made, and their tenure of office shall be maintained as herein provided. In addition to the appointed members herein provided, the county health officer shall serve in a purely advisory and non-voting capacity on the board as an ex officio member thereto.

The board shall annually select from among its members a chairman and a secretary, and such other officers as it deems necessary to carry out its business. The board shall meet at least annually, and such other times as are designated by call of the chairman. Three members shall constitute a quorum for all meetings, and official board business may be conducted by a majority vote of those members present at any meeting.

No salary or compensation shall be allowed any member of the board for services thereon; however, this shall not be construed to affect in any way the regular compensation of the ex officio members, their advisory services on the board being considered a part of their regular and official county duties. Actual and necessary travel subsistence, and other expenses incurred by the appointed members in the discharge of their official duties as members of the board and by direction or request of the board, shall be paid from any county funds which are or may become available to the board for the purposes of this act.

The board is authorized and directed to make, promulgate and publish such rules and regulations as it deems reasonable and necessary to effectuate and carry out the purpose and provisions of this act, and that a true copy of such rules and regulations shall be on file with the county governing body, and copies thereof be made available for public distribution.

Section 4. It is the intent of the legislature that this act applies solely to wells drilled for the production of water and has no application to wells or holes drilled, augered, cored, or dug for quarry blast holes or mineral prospecting, or any purpose other than water production.

Section 5. Every person who intends to drill water wells within any county to which this act applies shall annually obtain from the board a water well driller's license, and in order to obtain said license, shall file with the board, in accordance with rules and regulations as established by the board an application form to be made available by the board. Any person upon filing said application and receiving approval of the board, shall pay an annual fee of one hundred dollars (\$100) to the board, and the payment of said fee shall entitle said person to the full and complete privileges of drilling water wells within the county, as provided in this act and the board shall issue a license for a period not to exceed one (1) year. Said annual fee paid to the board shall not exempt a person from other existing state or local privilege taxes.

Section 6. It shall be unlawful, and a violation of this act, to drill a water well within the county unless the following provisions are complied with:

(a) The driller of the water well shall be licensed as provided in Section 5 of this act.

(b) The driller shall at all times during the drilling of a water well keep posted in a conspicuous location, at or near the well being drilled or on his person, the appropriate license certificate as furnished by the board.

(c) Before the commencement of the drilling operation the driller shall file an application of intent to drill a water well, as directed by the board.

(d) The driller of the well, within thirty (30) days after completion of the drilling of each water well, shall deliver to the board upon forms to be supplied by the board a "Report of Well Drilled."

Section 7. It shall be unlawful for any person to operate any equipment or machinery in the drilling or repair of a water well unless the overall operation is at all times under the supre-

vision and management of a licensed water well driller as provided for in this act.

Section 8. (a). A license may be refused, or a license duly issued may be suspended or revoked, or the renewal thereof refused by the board if, after notice and hearing as hereafter provided it finds that the applicant for, or holder of such license:

(1) Is unable to present evidence of his qualifications suitable to the board, or

(2) Has intentionally made a material misstatement in the application for such license, or

(3) Has wilfully violated any provision of this act, or

(4) Has obtained, or attempted to obtain, such license by fraud or misrepresentation, or

(5) Has been guilty of fraudulent or dishonest practices, or

(6) Has demonstrated lack of competence as a driller of water wells.

(b) Before any license shall be refused or suspended or revoked or the renewal thereof refused, hereunder, the board shall give notice of its intention to do so by registered mail, to the applicant for, or holder of such license and shall set a date not less than twenty (20) days from the date of mailing such notice when the applicant or licensee may appear to be heard and produced evidence. In the conduct of such hearing, the board or an authorized representative specially designated by it for such purpose, shall have power to administer oaths, to require the appearance of and examine any person under oath, to require the production of books, records, or papers relevant to the inquiry upon his own initiative or upon the request of the applicant or licensee. Upon termination of such hearing the findings shall be reduced to writing and upon approval by the board, shall be filed in its office and notice of the finds and resulting decision sent by registered mail to the applicant or licensee concerned.

(c) No licensee whose license has been revoked hereunder shall be entitled to file another application for a license as a water well driller within one (1) year from the effective date of such revocation or, if judicial review of such revocation is sought, within one (1) year from the date of final court order or decree affirming such revocation. Such application, when filed, may be refused by the board unless the applicant shows good cause why revocation of his license shall not be deemed a bar to the issuance of a new license.

Section 9. Any person aggrieved by any act or decision of the board may, within thirty (30) days appeal to the circuit court of the county in which the aggrieved party resides and the matter shall be heard de novo.

Section 10. All monies received from the execution of the provisions of this act shall be remitted to the treasurer of the county who shall hold such monies in a special fund to be known as the Well Driller's Licensing Fund, to be used by the director to administer and enforce the provisions of this act, and to pay the expenses of the board as authorized in this act. Such fund shall be subject at all times to the warrant of the county treasurer, drawn upon written requisition of the director and attested by the secretary of the board, and expenditures therefrom shall be made only as herein authorized.

Section 11. Each application for a well driller's license shall be accompanied by a surety bond in which the applicant is the principal obligor and the director is the obligee and the penal sum for this bond shall be one thousand dollars (\$1,000). This bond shall remain in force by appropriate renewal for so long as the applicant shall continue to hold a license as a water well driller in the county. Any and all funds derived from the payment of a claim against any bond shall be deposited with the county treasurer in the Well Drillers Licensing Fund.

Section 12. Any person guilty of violating any of the provisions of this act or the rules and regulations adopted thereunder shall be guilty of a misdemeanor, and may be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation; and each day the violation continues shall be considered a separate violation. Any and all funds derived from such fines shall be deposited with the county treasurer in the Well Drillers Licensing Fund.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of law in conflict herewith are hereby repealed, and Act No. 1516, H. 1864, Regular Session 1971 (Acts 1971, p. 2630), only insofar as it conflicts with this act, is hereby specifically repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 267

H. 1080—Cross

AN ACT

To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 714, H. 1116 of the Regular Session of 1976, entitled, "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator" is hereby repealed.

Section 2. The provisions of this act shall take effect on March 1, 1977.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 268

H. 1096—McNees

AN ACT

Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In counties to which this act applies the probate judge shall have an additional allowance of \$1,000 per annum to be used for clerk hire. The tax assessor of such counties shall have an additional allowance of \$1,200 per annum to use as clerk hire. The chairman of the county commission of such counties shall have an additional expense allowance of \$1,500 per annum.

Section 3. All allowances provided for by the provisions of this act shall be in addition to any and all other compensation, salary and allowances provided for by law and shall be paid out of the county general fund.

Section 4. The provisions of this act shall become effective on the first day of the month following the date this becomes law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 269

H. 1107—Williams, Sasser

AN ACT

To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Daleville, Dale County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said City, all territory now within such corporate limits, and also other territory within Dale County, Alabama, described as follows:

All that tract or parcel of land lying and being in Sections 9 and 16, Township 4 North, Range 23 East, St. Stephens Meridian, Dale County, Alabama, more particularly described as follows:

Beginning at a concrete monument stamped "174-A", which is 100 feet, more or less, south of the center of Andrews Avenue West, on the West line and 1,041.5 feet S 00°50'W of the northeast corner of said Section 9 on the boundary of a tract of land owned by the United States of America at Fort Rucker Military Reservation, and at plane coordinate position north 305,018.27 feet and east 524,129.24 feet, based on Transverse Mercator Projection, Alabama East Zone;

Thence S 74°16'E 2,157.0 Feet to a concrete monument stamped "171-E";

Thence S. 77°34'E 937.3 feet to a concrete monument stamped "171-D";

Thence continue S 77°34'E 90 feet, more or less, to the center of Claybank Creek;

Thence southerly along centerline of said creek 6,400 feet, more or less, to a point on a line which bears S 74°21'E from a concrete monument stamped "171-C", said monument being at

plane coordinate position North 299,142.38 feet and east 527,267.96 feet;

Thence N 74°21'W 60 feet, more or less, to said concrete monument stamped "171-C";

Thence continue N 74°21'W 1,027.2 feet to a concrete monument stamped "171-B";

Thence S 00°18'E 237.8 feet to a concrete monument stamped "171-A", which is on the northern right-of-way line of Atlantic Coast Line Railroad and on the boundary of said United States tract;

Thence northerly along the northern right-of-way line of said railroad, which is along the boundary of said United States tract, 100 feet, more or less, to a corner of said tract;

Thence westerly along the northern right-of-way line of said railroad, which is along the boundary of said United States tract, 1,150 feet, more or less, to a point which is on the west line of said Section 16 and at a corner of said tract;

Thence N 00°50'E along the west line of said Section 16, which is along the boundary of said United States tract, 5,475 feet, more or less, to the point of beginning.

Containing 510.00 acres, more or less, and being a part of Tracts A-1, A-2 and A-11 of Fort Rucker Military Reservation.

Reserving to the United States of America a perpetual and assignable easement and right-of-way in, on, over and across a strip of land 100 feet in width, being 50 feet on east side of the centerline of the existing Lowe Field Road South which lies in the eastern portion of the above described parcel of land, for the location, construction, operation, maintenance, alteration and replacement of a road and appurtenances thereto, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the right-of-way.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 270

H. 1121—McCluskey

AN ACT

Relating to counties having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census; to provide for the payment of certain expenses for the Judge of Probate and Chief Clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The Judge of Probate and Chief Clerk of such Counties shall be entitled to receive from the county treasury payment for expenses; including but not limited to membership dues and other expenses incurred in attending conferences, schools, and other functions attended by said Judges and Chief Clerks pertaining to their official positions of Judge of Probate and Chief Clerk which payment shall be in addition to all other compensation and allowances now provided by law. Such payments shall be paid on warrants approved by the County Commissions or like governing body of the County on any funds in the county treasury not otherwise appropriated.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 271

H. 663—Moore (O), Waggoner, Smith (C)

AN ACT

To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge in the Eighteenth Judicial Circuit of Alabama who excuses any person from jury service for a reasonable and proper cause pursuant to the Code of Alabama

1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some later date to be determined by the Court. When the service of such juror is deferred to a later date his name will be entered on the jury list of regular veniremen for the week as if he had been drawn from the jury box at the same time and place as the regular jurors who were duly drawn for said week in accord with the laws and statutes thereunto appertaining.

Section 2. There shall be no lawful objection to the listing of any such jurors whose services have been deferred to any list of veniremen regular or special, except for fraud.

Section 3. No juror who is excused pursuant to the provisions of this Act shall be entitled to his mileage fee and per diem free for the day on which he originally appears and is excused; and for his services for the subsequent week which he is required to serve he shall receive the same fees as if he were originally summoned to serve during that week.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 272

H. 785—Sasser, Williams

AN ACT

To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Racoons and opossums may be legally hunted and taken at night by catching or billing with the use of a light and/or shotgun using shot no larger than number eight,

or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in any county to which this act applies.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 273

H. 793—Manley, Pegues

AN ACT

To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended, is hereby repealed.

Section 2. The Marengo County Board of Education is authorized and empowered to employ a county superintendent of education for a term of up to four years. The salary and expense allowance of the county superintendent of education shall be set by the Marengo County Board of Education. No person may be employed as the superintendent of education unless he or she is the recipient of a master's degree in school administration. The county board of education, in its discretion, may from time to time set other standards and qualifications to be met in order to hold the position of county superintendent of education.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 274

H. 838—Manley

AN ACT

To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033), entitled "Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is amended as follows:

"SECTION 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940. No table wine shall be sold on any Sunday, and no table wine shall be sold on any primary election day, general election, special election or municipal election day until after the time fixed by law for the closing of polling places.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 275

H. 845—McCluskey

AN ACT

Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent

federal decennial census; providing further for the regular meeting date of the county commission in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission in any county to which this act applies shall hold regular meetings on the second Tuesday of each month and any additional meetings as such commission shall deem necessary.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 276

H. 855—Folmar

AN ACT

Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified electors who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Any provision of Act No. 539, H. 1090 of the 1976 Regular Session, (approved August 18, 1976), to the contrary notwithstanding, any qualified elector of Pike County who voted in any election during 1976 or who votes in any election during 1977 shall be automatically reidentified. Such elector shall be exempt from the requirements of Section 5 of Act No. 539, H. 1090 of the 1976 Regular Session.

Section 2. The operation of this act shall be retroactive to January 1, 1976.

Section 3. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 277

H. 892—Starkey, Killian, Lutz

AN ACT

To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general laws shall be paid into the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, the tax assessor, and the tax collector of Jackson County shall receive, in equal monthly installments from the general fund of the county, the following annual salaries:

(a) judge of probate	— \$22,000
(b) tax assessor	— \$15,000
(c) tax collector	— \$15,000

Said salaries shall be the entire compensation received by any of the above county officers for his services in any official and any ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to any officers, except as provided herein.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, shall hereafter be collected and paid into the general fund of the county, except as provided hereinafter.

Section 3. The governing body of Jackson County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Except as hereinafter provided, compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this act shall become effective as to each of the officers named herein immediately after the expiration of the term of office of the incumbent in such office when this act is enacted and upon the ratification of an amendment to the Constitution authorizing such a law, provided that a majority of qualified electors of Jackson County voting at the Constitutional Amendment election voted in favor of such amendment.

If a majority of the qualified electors of said county voting at said election voted against such amendment, then this act shall have no force or effect.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 278

H. 942—Starkey, Killian, Lutz

AN ACT

Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal obligated of such county hospital boards by said board for the purpose decennial census; to authorize the expenditure of funds not otherwise of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The County Hospital Board of such county is authorized and empowered to expend funds not otherwise obligated for the purpose of acquiring, constructing, equipping, maintaining, leasing, selling and/or otherwise disposing of office buildings and the real estate upon which same may be situated, to physicians who will practice medicine in such county. Any such office building so acquired, constructed and maintained by such County Hospital Board may be leased or sold

to qualified practicing physicians under such terms as the Board may deem proper, having consideration of the need for practicing physicians in such county.

Section 3. The County Hospital Board of such county is authorized and empowered to borrow money, execute mortgages and any and all other instruments necessary and proper to acquire funds for the purposes stated herein, under such terms and conditions as the Board may deem advisable.

Section 4. The provisions of this act are severable. Should any part of the act be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 279

H. 956—Cross

AN ACT

Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County and to make the provisions hereof retroactive to January 17, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lawrence County may at its discretion reimburse the Probate Judge of Lawrence County for all actual and necessary expenses incurred in connection with his attendance at and educational service, professional or associational meetings relative to the duties of his office and may also pay any professional or associational dues relative to the office of Probate Judge.

Section 2. This act shall become effective on January 17, 1977.

Approved April 26, 1977.

Time: 5:45 P.M.

AN ACT

Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of promoting industry and trade and to assist the county governing bodies in counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census in their pursuits therefor, there is hereby created a county industrial development authority which shall be composed of nine members, all of whom shall be residents and qualified electors of the county. Four members shall be appointed by the county governing body; two members shall be appointed by the governing body of any city having a population of not less than 4,425 nor more than 4,600 according to the 1970 or any subsequent federal decennial census; one member shall be appointed by the governing body of any town having a population of not less than 678 nor more than 680 according to the 1970 or any subsequent federal decennial census; one member shall be appointed by the governing body of any town having a population of not less than 149 nor more than 150 according to the 1970 or any subsequent federal decennial census; and one member shall be appointed by the governing body of any town having a population of not less than 273 nor more than 276 according to the 1970 or any subsequent federal decennial census. Of those members first appointed by any county to which this act applies, one shall be for a term of six years, one for a term of one year, one for a term of five years, and one for a term of two years. Of those first appointed by any city to which this act applies, one shall be appointed for a term of three years and one for a term of four years. Those three members first appointed by the towns classified on a population basis as hereinabove provided shall be appointed for terms of four years each. Thereafter, all members shall be appointed for terms of six years and until their successors are appointed and qualified. Successors to members shall be appointed in the same manner and by the same appointing authority as the original members are appointed. Vacancies shall be filled by appointment of the original appointing authority for the vacant place, but any person ap-

pointed to fill a vacancy shall serve only for the unexpired portion of the term.

Section 2. The authority shall hold an organizational meeting within thirty days after the appointment of all its members and shall elect a chairman and vice chairman from among its members. Such officers shall serve for such term as the authority by rule or regulation may prescribe. After the organizational meeting, the authority shall meet at the time and place designated in the call. The chairman or a majority of its members may call a meeting of the authority, and at least four meetings shall be held annually. The chairman shall preside at each meeting of the authority; in his absence, the vice chairman shall preside. A majority of the members of the authority shall constitute a quorum. Members of the authority shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expense incurred in the performance of their official duties.

Section 3. Upon the organization of the authority, it shall be constituted an instrumentality for the exercise of public and essential governmental functions and the exercise of the powers conferred by this act, and the development of the county shall be deemed to be an essential governmental function of the county.

Section 4. The authority may employ a director, who shall be its chief administrative officer and serve as secretary to the authority. The authority shall fix the salary of the director who shall serve at its pleasure. The director shall have authority to employ clerical and other assistants subject to the approval of the industrial authority. The authority may require the director to be bonded for the faithful performance of his duties before he enters upon the discharge thereof.

Section 5. The authority or its agents and employees may (a) investigate, study and engage in basic research relative to the natural resources of land, water, minerals, and people in the county and apply its findings in efforts to promote a sound and balanced agricultural, industrial and economic development of the county; (b) cooperate with municipal, regional, state or federal planning or other industrial development authorities; (c) publicize and advertise the industrial, commercial and agricultural resources and opportunities in the county; (d) collect, compile and distribute literature concerning the facilities, advantages and attractions of the county, the educational, historic, recreational and scenic places of interest within the county and the air, water and highway transportation facilities; (e) contract with other agencies, individuals or

corporations to promote the purposes of this act, and expressly to contract with any municipality in the county, not having an industrial development board, to act as the development agency for such municipality, and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (f) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (g) accept gifts, grants, bequests or devises; (h) acquire land for industrial park development and construct buildings for lease, for industrial development only; (i) issue bonds and incur debt for the purposes of carrying out the function of industrial development of such counties; and (j) make recommendations that the county or any municipality therein issue bonds and incur debt for the purposes of industrial development.

Section 6. The authority may establish and maintain an office at some suitable place within the county, and the cost of securing, furnishing, equipping, lighting, heating and maintaining such office shall be a lawful charge against any funds appropriate for the use of the authority.

Section 7. The county governing body of any county to which this act applies may annually, before the end of the county's fiscal year, fix the amount to be expended by the industrial development authority herein created, and shall deposit such amount as it determines to be necessary for the efficient operation of the authority in a special fund in the county treasury to the credit of said authority. All other funds otherwise coming into the hands of said authority shall likewise be deposited in said fund. The ordinary and necessary operating expenses of the authority, including the expenses of its members and the salaries and expenses of employees of the authority shall be paid out of authority funds.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 281

H. 976—Holley

AN ACT

Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ or contract appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coffee County Commission shall provide either by contract or full-time or part-time employment sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 2. The Revenue Commissioner shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and valued in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 3. The Revenue Commissioner shall collect the cost of this appraisal and mapping program, which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

Section 4. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This law shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 282

H. 1011—McNees

AN ACT

To further amend Section 1 of Act No. 97, H. 105, Special Session

1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 97, H. 105, (Acts 1966, p. 132), as amended, is further amended to read as follows:

"Section 1. At all elections hereafter held in counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census, the officers appointed to hold the election shall each be entitled to fifteen dollars, per day. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama Recompiled 1958, Title 17, Section 198. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this act for per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 283

H. 1012—McNees

AN ACT

To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of said Act No. 66, H. 32, (Acts 1964, p. 87), as amended, is further amended to read as follows:

"Section 1. At all elections hereafter held in counties having populations of not less than 16,245 nor more than 16,300 inhabitants, according to the 1970 or any subsequent federal decennial census, the officers appointed to hold the election shall each be entitled to fifteen dollars, per day. The returning officer shall also be entitled to mileage as prescribed in Code of

Alabama Recompiled 1958, Title 17, Section 198. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this Act for per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 284

H. 1025—Smith (M), Turnham

AN ACT

Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attended professional meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Chambers County is hereby authorized to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings. The county governing body shall determine if county funds are available for such purposes, and, in its discretion, shall determine which meetings are to be considered professional meetings for purposes of paying travel expenses as herein provided.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

AN ACT

To provide that Jefferson County will pay to the chairman of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Application of this Act. This Act will apply in and to Jefferson County, Alabama.

Section 2. Definitions. As herein used, the following terms have the meanings hereby given them: "the County" means Jefferson County, Alabama; "the board of registrars" means the board of registrars of the County; "chairman" means the chairman of the board of registrars; "the county commission" means the governing body of the County; "County longevity pay the County Commission provides for County employees because of the employees' previous County service;" "the chairman's longevity pay" means the longevity pay this Act provides for the chairman to receive because of his previous full time service as chairman; "County base pay" means the pay which a county employee receives from the County not including his longevity pay and to which his longevity pay is added if and when the County Commission determines that the financial condition of the County and the public interest make the County longevity pay advisable; "the chairman's base pay" means the pay the chairman receives from the County not including the longevity pay provided for by this Act and to which the chairman's longevity pay is added in accordance with the formula provided by this Act; "previous County service" means a County employee's previous full time service with the County in consideration of which the County pays to such employee longevity pay; "previous service as chairman" means the chairman's previous full time service as chairman in consideration of which previous service this Act provides for the chairman to receive longevity pay; and "chairman's longevity payment date" means the date on which this Act provides the County shall pay the chairman's longevity pay provided for by this Act.

Section 3. Purpose of Act: The purpose of this Act is to provide for the chairman to receive from the County longevity pay based on his previous full time service as chairman at the rate County employees receive longevity pay for their previous County service. This Act does not affect the authority of the County Commission to decide whether the financial condition of the County and the public interest make it advisable for the County Commission to provide for County longevity pay.

Section 4. The chairman's longevity pay. The chairman shall receive from the general funds of the County longevity pay in the amounts and at the times below stated, subject to the conditions below prescribed.

The County Commission shall determine the amount of longevity pay to which a chairman is entitled, if any by applying to him the same formula the County Commission applies to County employees to determine the amount of longevity pay to which a County employee is entitled, if any, except that in the application of such formula to the chairman his longevity pay shall be related to his previous service as chairman instead of being related to previous County service, as a County employee's longevity pay is related, and the chairman's longevity pay shall be related to the chairman's base pay instead of being related to County base pay as a County employee's longevity pay is related. Previous service as chairman shall include only previous full time service as chairman before, as well as after the adoption of Act No. 110 of the Third Special Session of 1975, (Ala. Acts, 1975, pp. 338-340) providing for any county having a population of 500,000 or more to pay the salary of the chairman of the board of registrars.

Section 5. Chairman's longevity payment dates. (a) Whenever the County pays the County longevity pay if the chairman is entitled to longevity pay under Section 4, above, the County will pay to such chairman the longevity pay due him.

(b) As used in this subsection (b), the term "effective date of (b)" means the date whereon this subsection (b) becomes effective, which shall be the last day of the third full calendar month elapsing subsequent to the effective date of this Act, as stated in Section 7, below.

If the chairman on the effective date of this act shall have served continuously as chairman from the first day of January, 1976, to the effective date of (b), then as soon as convenient subsequent to the effective date of (b), the County shall pay to the chairman from the general funds of the county chairman's longevity pay in an amount herein prescribed in this subsection (b).

The amount of longevity pay the chairman shall receive under this subsection (b) shall be the same amount of longevity pay the chairman would have received under this Act if this Act had been in effect when the County Commission in December, 1976, distributed County longevity pay to County employees for 1976.

The sum paid the chairman under this subsection (b) shall be in consideration of the services the chairman shall perform

as chairman between the effective date of this Act and the effective date of (b). No part of the payment provided for by this subsection (b) shall be paid unless the chairman serves as chairman during the entire period specified in the next foregoing sentence.

(c) No longevity pay the chairman receives under this Section 5 shall be thereafter considered as the chairman's base pay for the purpose of determining the amount of the chairman's longevity pay.

Section 6. All laws, or parts of laws, whether general, local or special, in conflict with this Act are hereby repealed to the extent of any such conflict.

Section 7. This Act shall become effective on its approval by the Governor, or on its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 286

H. 317—Folmar

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

East half of the east half of Section 1, Township 9 N. Range 20 East, Pike County, Alabama.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the City of Troy during the time such land is used for farming purposes.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 287

H. 860—Wyatt

AN ACT

Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the sheriffs in such counties, payable out of the general fund of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The Sheriff in any such county shall receive as his total compensation, including his present base salary and all expense allowances heretofore provided by law, the sum of twenty-five thousand dollars (\$25,000.00). Such sum shall be payable out of the general fund of any such county in twelve monthly installments. All sums exceeding the present base salary shall be paid as an additional expense allowance in twelve monthly installments.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 288

H. 940—Brindley, Jolly

AN ACT

Relating to Blount County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Blount County.

Section 2. It shall be unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides.

Section 3. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and shall be punished as provided for by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 289

H. 945—McCluskey

AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to amend Section 1 of Act No. 1252, 1973 Regular Session (Acts of 1973, p. 2099), entitled "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1252, 1973 Regular Session (Acts of 1973, p. 2099), is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 65,000 nor more than 68,000, according to the 1970 or any subsequent federal decennial census, each bailiff appointed by a circuit judge of the judicial circuit in which such county lies shall be entitled to receive out of the treasury of the county a salary of not less than \$4,800 nor more than \$8,400 per annum with the exact amount to be fixed by the judge making the appointment. Such salaries shall be paid in equal monthly

installments in the same manner as other county employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 290

H. 985—Folmar

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, namely:

East half of the east half of Section 1, Township 9 N, Range 20 East, Pike County, Alabama.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the City of Troy during the time such land is used for farming purposes.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 291

H. 1003—Hines

AN ACT

Relating to counties having a population of not less than 34,875

nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the transfer of certain funds in the county road and bridge fund to the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 34,875 nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission of any county to which this act applies, is hereby authorized to transfer from the county road and bridge fund to the general fund such funds as it deems necessary for the operation of the county government.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 292

H. 1019—Cates

AN ACT

Relating to Butler County; relating to service of process by the sheriff of Butler County; authorizing the sheriff to mail subpoenas for witnesses and for jury duty, grand and petit, and notices of appointment to election officials by certified mail, postage prepaid; and authorizing the county governing body to make expenditures from the county general fund for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other means provided by law, the sheriff of Butler County is hereby authorized to mail subpoenas for witnesses and for jury duty, grand and petit, and notices of appointment to election officials by certified mail, postage prepaid. In the event such summons is returned to the sheriff by the post office department of the United States without delivery, the summons shall be by the sheriff returned "NOT FOUND." All such summons not returned by the post office department shall be considered for all purposes as sufficient personal and legal service.

Section 2. The county governing body of Butler County is hereby authorized to make expenditures from the county general fund which are necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 293

H. 1024—Smith (M), Turnham

AN ACT

To authorize the Chambers County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Chambers County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chambers County Commission is hereby authorized to regulate the minimum size of lots located or to be located in subdivisions of land situated outside the corporate limits of any municipality in said county and is authorized to regulate the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in said county, including the power to require the filing and posting of a reasonable surety bond with such County Commission by the developers of such subdivisions to guarantee the actual construction and installation of such approved proposed public streets, public roads, and drainage structures before the sale or offering for sale of any lots from such subdivision to the public. The County Commission may require the developers of all proposed subdivisions of lands situated outside the corporate limits of any municipality in said county to submit the plat of such proposed subdivision to the County Commission of said county for approval before such plat is filed for record in the office of the judge of probate.

Section 2. If any such public street, public road, or drainage structure is erected, constructed or maintained in violation of the provisions of this act or any regulations made pursuant thereto, the county may institute appropriate action or proceedings to prevent such unlawful erection, construction or maintenance, or to require such erection, construction, or maintenance to conform to the regulations prescribed therefor.

Section 3. This act shall take effect June 1, 1977.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 294

H. 1052—McCorquodale

AN ACT

Relating to Clarke County, fixing the fee for issuance of a pistol permit by the Sheriff, and providing for the deposit and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Clarke County.

Section 2. In Clarke County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Code of Alabama Title 14, Section 177, shall be ten dollars, which shall be collected by the sheriff and deposited in the county treasury. The total amount of each fee collected shall be credited to the Pistol Permit Fund of Clarke County and shall be used exclusively by the sheriff for the purpose of improving law enforcement, in such amounts as may be determined by the Clarke County Commission.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 295

H. 1065—Smith (M)

AN ACT

Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a salary increase for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the following officers shall receive the following salaries in lieu of all other compensation provided for by law:

- (a) Probate Judge\$17,600.00
- (b) Tax Assessor 13,800.00
- (c) Tax Collector 13,800.00

Section 3. This act shall become effective October 1, 1977.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 296

H. 1074—Smith (M), Turnham

AN ACT

To authorize the county governing body of Chambers County to create a contingency fund out of the funds of the county treasury not otherwise encumbered.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Chambers County is authorized and empowered to appropriate out of any moneys in the county treasury not otherwise appropriated, and to expend not exceeding the sum of seven thousand five hundred dollars (\$7,500) per annum for any purposes not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county. The fund hereby authorized shall be known as the "contingent fund." Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

Under the provisions of this section, not more than seven thousand five hundred dollars (\$7,500) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the contingent fund up to the sum of seven thousand five hundred dollars (\$7,500).

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 297

H. 1138—Warren

AN ACT

Relating to Conecuh County; authorizing the county governing body to hold a referendum for the purpose of determining whether or not the said governing body of Conecuh County may levy and collect an additional gasoline tax equalling one cent per gallon; and providing for the revenues thereby generated be paid into the county for the purpose of constructing, maintaining and repairing county roads.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Conecuh County who vote thereon at a referendum election held for that purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held concurrently with the next election or any constitutional amendments submitted to the people as a result of the 1977 Regular Session of the Legislature. Notice of the election shall be given by the judge of probate of Conecuh County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the Conecuh County governing body levying and collecting in addition to all other taxes, a one cent (1¢) per gallon gasoline tax designated for the construction, repair and maintenance of county roads? YES(). NO().” If a

majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Conecuh County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 2. All revenues collected by this act shall be paid into the county fund for the purpose of constructing, maintaining and repairing county roads in Conecuh County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 298

H. 779—Whatley, Turnham

AN ACT

Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; regulating the compensation of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The members of the county board of education in all counties to which this act applies shall each receive from the public school funds of the county, as compensation for their services, fifty dollars (\$50.00) per month.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

AN ACT

To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county or incorporated municipality in the State of Alabama may issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, not only for the purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended, but also (a) for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality that were issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued by such county or incorporated municipality (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system, whether or not such principal shall have matured at the time of such refunding, and (b) for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in said Section 312.

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

AN ACT

To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Application of Act. This Act shall apply to each city of the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal decennial census, and to no other city.

Section 2. Definitions. Unless the context plainly indicates otherwise, the following words and terms shall have the following meanings herein ascribed to them:

“The City” means a city subject to this Act; “Governing Body” means the body in which the general legislative power of the City is vested; and “Parking Facility” means any building structure, land, right of way, equipment or facility used or useful in connection with the construction, enlargement, development, maintenance or operation of any area or building for off-street parking of motor vehicles.

Section 3. Authority of cities with respect to parking facilities. Any city in this state having a population of 34,000 or more according to the last federal decennial or any subsequent federal census is hereby authorized: (1) to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; (2) to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness; (3) to pledge to the payment thereof its full faith and credit and any taxes, licenses or revenues which the city may then be

authorized to pledge to the payment of bonded or other indebtedness; (4) to lease or let parking facilities or any one or more of them to such tenant or tenants, for such period and such compensation or rental and on such conditions as the governing body may prescribe; (5) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; (6) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the city, and (7) to execute such contracts and other instruments and to take such other action as may be necessary or convenient in connection with parking facilities.

Section 4. Provisions Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with the provisions of this Act.

Section 5. Severability Clause. In the event any section, sentence, clause or portion of this Act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act which shall continue to be effective.

Section 6. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 301

S. 555—Baker

AN ACT

Relating to all counties having populations of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; further regulating the salary of the members of the board of equalization, board of registrars and jury commission in each such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 41,750 nor more than 45,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Each member of the board of equalization, the board of registrars and the jury commission shall be entitled to receive a salary supplement from the funds of the county in an

amount sufficient to make their total compensation from the state and county equal to not less than \$25.00 per day for each day's attendance of the sessions of the board or commission. Such supplemental salary shall be in lieu of all other supplements heretofore provided for by law and shall be payable out of any funds in the county treasury not otherwise appropriated.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective upon the implementation of Act No. 566, 1976 Regular Session (Acts of 1976, p. 775).

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 302

H. 1043—Brindley Ford, Rich, Taylor
AN ACT

To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, within the state, now or hereafter situated in, or having a branch in, Etowah County, shall have the power to establish, maintain and operate within the limits of said county, where a place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks and meet the requirements of the appropriate regulatory banking authorities. Provided, however, that any branch bank established under this Act must be within the corporate limits of a municipality in Etowah County and, where the population of the municipality was less than 3,000 persons according to the last Federal Decennial Census, any branch shall be located no farther from the City Hall than three-fourths ($\frac{3}{4}$) of one mile,

this provision deemed necessary for police and fire protection purposes.

Section 2. The provisions of the Code of Alabama 1940, Title 5, Section 125, which conflict with this Act are specifically repealed as to the county in which this Act applies and all other laws, general or local, in conflict herewith are also repealed as to such county, and Act No. 335, H. 1036, Regular Session 1976 (Acts 1976, p. 365), is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective one year from the date the Governor signs this act or one year from the date it otherwise becomes law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 303

H.J.R. 474—McNees

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH HENRY ALLEN.

WHEREAS, the Alabama legislature has noted with deep regret the death of Joseph Henry Allen on March 28; and

WHEREAS, Joseph Henry Allen was a man of strong religious convictions as evidenced by his membership and service both as a deacon and Sunday School teacher at the First Baptist Church of Vernon; and

WHEREAS, Joseph Henry Allen demonstrated a social interest in his community as a member of the Vernon Masonic Lodge, Eastern Star and Kiwanis Club; and

WHEREAS, Joseph Henry Allen was a former Tax Assessor and Tax Collector for Lamar County serving thirty-two years as an elected official; and

WHEREAS, Joseph Henry Allen demonstrated competency as well as concern throughout his many years in public office; and

WHEREAS, he will be sorely missed by his many friends and his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Joseph Henry Allen and wish to express our deepest sympathies to his wife, Mrs. Mattie Smith Allen, and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Mattie Smith Allen.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 304

H.J.R. 475—Sparks

HOUSE JOINT RESOLUTION

CONGRATULATING SISTER MARY ADRIAN McLEAN, NAMED TO THE JACKSONVILLE TEACHER HALL OF FAME, AND COMMENDING HER FOR DEDICATED SERVICE TO HER PROFESSION.

WHEREAS, the Legislature of Alabama notes with pleasure that Sister Mary Adrian McLean has been named the 1976-77 winner to the Jacksonville Teacher Hall of Fame, joining seven other elementary teachers and seven secondary teachers so honored since the program's inception in 1969; and

WHEREAS, Sister Mary Adrian received her B.A. degree in Education at St. Bernard College; her M.A. in Special Education was earned at George Peabody College as a recipient of the Joseph P. Kennedy Scholarship; and

WHEREAS, she first taught at St. Stephen's School in Pensacola, Florida, then served as principal and a primary teacher at St. Joseph's School in Florence, Alabama, later at Queen of the Universe in Huntsville as principal and primary teacher, and then for two years as special education master teacher at the center for Developmental and Learning Disorders in Birmingham; she has taught at West Elementary School in Cullman, in special education, for the past six years for a total of twenty years of dedicated service to her profession; and

WHEREAS, Sister Mary Adrian also serves as a member of the Board of Ideal Industries, a workshop for handicapped adults in Cullman County, as a Board member for Cullman County United Cerebral Palsy, and as a member of the Buildings Committee; she is a past member and chairperson of the Committee on Ministries of the Benedictine Sisters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Sister Mary Adrian on being named to the Jacksonville Teacher Hall of Fame and highly commend her for conscientious dedication to her profession and for her outstanding accomplishments in the field of special education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sister Mary Adrian as a token of our high esteem.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 305

H.J.R. 485—Crowe

HOUSE JOINT RESOLUTION

COMMENDING GEORGE LINDSEY FOR HIS HUMANITARIAN INTERESTS AND UNTIRING EFFORTS ON BEHALF OF OUR "SPECIAL" CHILDREN.

WHEREAS, the Legislature of Alabama takes pride in our native son, George Lindsey, unanimously recognizing the immeasurable contributions to the well-being of our "special" children by a man whose God-given talents are overshadowed only by the scope of his compassion for others; and

WHEREAS, George Lindsey, who was born in Jasper, Alabama, attended Florence State University on a football scholarship, taught school in Huntsville, Alabama, and was serving in the United States Air Force when his talents as an entertainer were discovered; and

WHEREAS, following his television debut, he quickly rose to worldwide fame, a phenomenal success story resulting in a star status which this great humanitarian has used, not to his own glory, but to promote the Alabama Special Olympics for the education of "special" children; and

WHEREAS, George Lindsey, each year, devotes many hours to this commendable project, working tirelessly to bring to Alabama a galaxy of stars and personages of fame to further the Special Olympics program and make it the colossal success it has become; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with thousands of parents and children in this country in voicing our appreciation for George Lindsey and granting our

recognition for his humanitarian efforts on behalf of the Alabama Special Olympics.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Lindsey as a token of our high esteem.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 306

H.J.R. 491—Starkey, Killian, Lutz

HOUSE JOINT RESOLUTION

CONGRATULATING MISS LYNDA SUE NOLAN ON BEING CHOSEN THE 1977 ALABAMA MAID OF COTTON.

WHEREAS, the Legislature of Alabama notes with pleasure the recent selection of Miss Lynda Sue Nolan as the 1977 Alabama Maid of Cotton; and

WHEREAS, the lovely Miss Nolan, who is the daughter of Mrs. Elizabeth Nolan and Donald Nolan of Scottsboro, is a senior at the University of Alabama in Birmingham where she is a member of Kappa Delta Sorority and Gamma Beta Phil Honor Society; and

WHEREAS, prior to enrolling at UAB, Lynda Sue attended Abbeville Christian Academy and Troy State University where she was selected Miss Congeniality in the Miss TSU pageant; she has served also as first alternate to Miss National Peanut Festival; and

WHEREAS, her hobbies and interests include water skiing, horseback riding, cooking and horticulture; she enjoys meeting people and, with experience in fashion merchandising as well as modeling, she will be a successful ambassador from Alabama for the cotton industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate Miss Lynda Sue Nolan, a 5-foot-6 green-eyed beauty from Scottsboro, on her selection as Alabama's 1977 Maid of Cotton; we direct that copies of this resolution be sent to her, and to her justifiably proud parents, that they may know of our warm wishes for her every future success.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 307 H. J. R. 498—Plaster, Barron, Harris,
 Holmes (A), Lewis,
 McCorquodale, Albright,
 Andrews, Armstrong, Baker,
 Biddle, Boles, Brindley, Buskey,
 Callahan, Campbell, Carothers,
 Carter, Cates, Clark, Coburn,
 Cooper, Crawford, Cross, Crowe,
 Dial, Drake, Edwards, Falkenburg,
 Folmar, Ford, Gafford, Glass,
 Goodwin, Greer, Gregg, Hall,
 Harrison, Hill, Hilliard, Hines,
 Holley, Holmes (D), Hopping,
 Howard, Jackson (F),
 Jackson (R), Johnson, Johnstone,
 Jolly, Kelley, Kennedy, Killian,
 Kinsey, Lee, Leonard, Lockett,
 Lutz, McCluskey, McCulley,
 McMillan, McNair, McNees,
 Manley, Martin, Merrill, Mitchem,
 Moore (O), Moore (W), Morris,
 Naramore, Owens, Pegues, Porter,
 Quarles, Reed, Rich, Riddick,
 Roberts, Robertson, Sandusky,
 Sasser, Shelton, Shoemaker,
 Smith (B), Smith (C), Smith (J),
 Smith (M), Sonnier, Sparks,
 Starkey, Taylor, Trammell,
 Tucker, Turnham, Venable,
 Waggoner, Warren, Weeks,
 Whatley, White, Williams, Wyatt,
 Younce

HOUSE JOINT RESOLUTION

WHEREAS, The Alabama Legislature was shocked and deeply saddened to learn of the tragic and untimely death of Frank H. Chambers of Ramer, Alabama on April 16, 1977 in Quincy, Florida; and

WHEREAS, Frank Chambers was the foster son of our colleague, Representative Cecil Wyatt and his wife, Jean, this fine young man, a senior at South Montgomery Academy, was killed in an automobile accident while enroute to Florida State University where he was a candidate for an athletic scholarship; and

WHEREAS, not only was he an outstanding and all-round athlete, having participated in football, basketball, baseball and track at South Montgomery Academy, but was a brilliant stu-

dent as well; he was a fine young Christian who was an active and contributing member of the Ramer Baptist Church; and

WHEREAS, Frank was known and admired for his outgoing personality, warmth and friendliness; he was beloved of family and friends and will be sorely missed by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Frank H. Chambers; we extend our deep and heartfelt sympathy to Jean and Cecil Wyatt and direct that they receive a copy of this resolution as evidence of our shared sorrow.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 308

H.J.R. 512—Coburn

HOUSE JOINT RESOLUTION

CONGRATULATING THE DESHLER HIGH SCHOOL WRESTLING TEAM ON THEIR STATE 3A CHAMPIONSHIP

WHEREAS, the Alabama Legislature has noted that the Deshler High School Wrestling Team won the 1976-77 State 3A Championship; and

WHEREAS, this champion team of Tuscumbia, Alabama finished their regular season this year with a 6-2 record, and in addition to finishing first in the state tournament, they also took first place honors in the Coffee Classic Invitational Tournament, the TVC Tournament and the Section III tournament; and

WHEREAS, they further earned a remarkable 9-2 season record in 1975-76, also placing second in the Coffee Classic, second in the TVC Tournament, First in Section III and second in the state tournament last year; and

WHEREAS, all twelve varsity wrestlers, who are ably coached by Deshler High's Bobby Laxton, qualified to go to the state tournament by virtue of placing 1-4 in Section III; team members are Richard Davenport, Sammie Miller, Barry Willingham, Mike Holland, Roy Morris, David Dowdell, Bryce Graham, Clarence Meade, Tim Rose, Tim Holt, Alan Underwood and Boo Boo Scott; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Deshler High School Varsity wrestlers on their state 3A Championship, and direct that a copy of this resolution be sent to Coach Bobby Laxton and one to Deshler High School for appropriate display as a token of our praise.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 309

H. 32—Turnham

AN ACT

To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), is hereby amended to read as follows:

"An Act to provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama having a population of less than 600,000 inhabitants; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries."

Section 2. Sections 1 and 3 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as last amended by Act No. 935, 1973 Regular Session (Acts of Alabama 1973, Vol. III, p. 1438), are hereby further amended to read as follows:

"Section 1. That in the various counties of the State of Alabama having a population of less than 600,000 inhabitants according to the last or any subsequent Federal decennial census, when any Tax Collector, Tax Assessor, License Commissioner

or other elected official charged with the assessment and/or collection of any ad valorem taxes in any county of the State of Alabama:

“(a) Who has served for 14 years as such official in any county of Alabama who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

“(b) Who has served for 15 years as a county official for any county of Alabama, at least 10 years or more being continuously as tax collector, tax assessor or license commissioner, and who is not less than 60 years of age; may elect to become a Supernumerary Tax Collector, Tax Assessor, License Commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect with the Governor of the State of Alabama. If the Governor of the State of Alabama shall find that any such declarant is qualified either under Subdivision (a) or (b) hereinabove set forth, a commission as Supernumerary Tax Collector, Tax Assessor, License Commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes for the county in which he has served in the state of Alabama shall thereupon be issued to such declarant by the Governor of the state of Alabama. In computing length of service as such official the time served as any other county-wide elected official of the county and/or the time served as chief clerk of the Tax Collector, Tax Assessor, or License Commissioner of any county shall be counted; or elected State and City official; or

“(c) Who has served 18 years as a county official for any county of Alabama, the last 6 or more years as Tax Collector, Tax Assessor, or License Commissioner, and prior thereto, at least 12 years as chief clerk to the Tax Collector, Tax Assessor or License Commissioner, and who is not less than 60 years of age or who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, may elect to become a Supernumerary Tax Collector, Tax Assessor, License Commissioner or other elected official by filing a written declaration to that effect with the Governor of the State of Alabama. If the Governor shall find that any such declarant is qualified under this subsection, a commission as Supernumerary Tax Collector, Tax Assessor or License Commissioner, as the case may be, for the county in which he has served shall be issued to the declarant. Any person serving as a supernumerary official on the effective date of this act shall not be affected by this subdivision.

“Section 3. Every such supernumerary official shall serve

for life and receive from the county governing body, in equal monthly installments on the first of each month, an annual salary of 65% of the average compensation he received for the past four (4) years as an official charged with the assessing and collecting of ad valorem taxes, but said salary shall not be less than Six Thousand Five Hundred Dollars (\$6,500.00) per annum nor more than Eleven Thousand Two Hundred Fifty Dollars (\$11,250.00) per annum; provided, however, that all persons presently serving as supernumerary officials under the provisions of Act No. 755, 1967 Regular Session, as amended, on the effective date of this Act, shall receive an annual salary of Six Thousand Five Hundred Dollars (\$6,500.00), said sum to be paid in the same manner as heretofore provided in said Act No. 755, as amended.

"The Tax Collector, if there is a Supernumerary Tax Assessor or Tax Collector in the county, or the License Commissioner or person charged with the collection of any ad valorem taxes other than the Tax Collector, if there is a Supernumerary License Commissioner or other official charged with the assessing and/or collecting of ad valorem taxes in the county, shall out of the first money collected by him pay to the county governing body the said sum which shall be paid to the Supernumerary official as heretofore set forth. The said sum shall be deducted on a prorata millage basis from payment to the state, county, and all subdivisions and agencies thereof, except municipalities, to which the person collecting ad valorem taxes is charged with distributing of ad valorem taxes collected under the law. Provided that should such official die or otherwise become disqualified as such Supernumerary official, any money remaining in such fund shall be refunded to the person by whom it was paid to the county and he shall distribute the money refunded to him to the state, county and other subdivisions and agencies on the same prorata millage basis that it was originally withheld."

Section 3. Section 4 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as last amended by Act No. 1943, 1971 Regular Session (Acts of Alabama 1971, Vol. IV, p. 3138, is hereby further amended to read as follows:

"Section 4. The governing body of such county shall immediately upon the effective date of this Act deduct from the salary of the Tax Collector, Tax Assessor, License Commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of each county, if such officials are paid by salary, an amount equal to 6% of the annual salary paid such official by the county up to Seventeen Thousand Dollars (\$17,000.00). Such sum shall be deducted monthly and distributed at the end of the fiscal year on a prorata millage

basis to the state, county, and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If such officials are compensated by fees and commissions, the Tax Collector shall deduct from the money paid to the Tax Collector and License Commissioner, an amount equal to 6% of the sum paid up to Seventeen Thousand Dollars (\$17,000.00), and said amounts shall be distributed immediately to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If any person coming under the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided in section 1(a), 1(b), and 1(c), the official whose tenure of office has ended may elect to have the total amount paid by him refunded, or if qualified by length of service, but not age, may elect to wait until reaching age 60 (sixty) and then receive the annual salary as provided for in Section 3 of this Act. In the event such persons die in office prior to becoming supernumerary, the amount paid in by him or her shall be paid to his or her estate. Likewise, any surplus remaining from contributions made by a supernumerary official who dies after becoming supernumerary but before he or she has drawn out as much as he or she had paid in prior to becoming supernumerary, shall be paid to his or her estate. Any person desiring to come under the provisions of this Act pursuant to subsection 1(b) or 1(c) of this Act, shall pay to the county Tax Collector such proportionate sum as to equal the amount he would have been required to pay if he were employed as a Tax Collector, Tax Assessor, License Commissioner, or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county, such proportionate sum to be distributed by the Tax Collector as provided in Section 4 of this Act.

Section 4. Section 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as last amended by Act No. 218, 1969 Regular Session (Acts of Alabama 1969, Vol. I, p. 540), is hereby further amended to read as follows:

“Section 5. If such official is eligible for retirement under any state or county retirement act, he shall be allowed to elect whether he shall be appointed to a supernumerary office as provided herein, or become a beneficiary under such other retirement plan. This election must be made in writing to the county governing body, or such other person or office who administers such other retirement plan, within sixty days from the effective date of this amendment; provided, however, any person who shall take office as Tax Assessor, Tax Collector or License Commissioner after the effective date of this amendment shall make such election within sixty days of the date upon which the oath of office is taken. The Legislature herein

grants an additional sixty days from the effective date of this Act for such officials who have not previously elected to come under the provisions of said Act 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), to make such election. Provided, however, that any such official who elects to come under the provisions of said Act 755, as provided in this subsection, shall immediately upon such election pay to the county tax collector for each prior year of eligible service such sum as he would have paid had he previously elected to come under the provisions of said Act 755, and the tax collector shall thereupon distribute such sum as provided in Section 4 of this Act."

Section 5. In the event that an elected official's retirement system should hereafter be established by law, any official elected after the establishment of such retirement system who otherwise would have been covered by the provisions of this Act shall automatically be subject to provisions of such retirement system as a matter of law.

Section 6. In the event that any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall remain in full force and effect.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1977.

Time: 5:45 P.M.

Act No. 310

S. 703—Mims

AN ACT

Relating to Monroe County; providing for a monthly expense allowance for county commissioners of Monroe County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each county commissioner in Monroe County shall receive a further and additional expense allowance of \$165.00 per month which shall be paid in addition to any and all other expense allowances and compensation provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 311 H. 1033—Holmes (D), Merrill, Shelton, Quarles
AN ACT

To amend Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) which act establishes a civil service system for certain Calhoun County employees, so as to modify the provisions of the act relating to prohibited political activities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17 of Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) is amended to read as follows:

"Section 17. Political Activities Prohibited.—No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinion or affiliations. No employee shall engage in any political activity during the hours of his employment. However, no restriction shall be placed on the political activities of an employee at times other than during his actual hours of employment. An off-duty employee shall enjoy all the rights and privileges regarding political activity of any private citizen."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 312 H. 539—Sparks, Crowe
AN ACT

Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The district judge of Winston County shall be entitled to receive a supplement of \$700 per month payable out of the county general fund in the same manner as salaries are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall be retroactive to January 16, 1977.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 313 H. 912—Moore (O), Waggoner, Smith (C)
AN ACT

To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, is hereby further amended to read as follows:

"Relating to all counties having a population of not less than 36,500 nor more than 39,200 according to the 1970 or any subsequent federal decennial census; and providing for the mandatory payment by the county governing body of an expense allowance for the tax assessors, tax collectors, circuit clerks, probate judges, coroners, magistrates, and members of the county governing bodies; providing a limitation on amounts so paid; and providing further for such payments.

"Section 1. In all counties having a population of not less than 36,500 nor more than 39,200, according to the 1970 or any subsequent federal decennial census, the county governing bodies are hereby authorized to appropriate from the county general funds equal expense allowances for tax assessors, tax collectors, circuit clerks, probate judges, coroners, sheriff, magistrates, and members of the county governing bodies; such expense allowances shall not be in excess of twenty-four hundred dollars (\$2,400.00) per annum per official and may be paid on a monthly basis. Such an expense allowance shall be mandatory and in addition to all other compensation and allowances provided by law and the officials receiving such allowances shall not be required to account in any manner for the spending of such expense allowances. The expense allowance paid to each elected official under this act shall be equal to the expense allowance paid to any other elected official under this act."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This amendatory act shall have retroactive effect to January 17, 1977.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 314

H. 938—Crowe, Sparks

AN ACT

Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census, the sheriff shall be entitled to an expense allowance of seventy-five dollars (\$75.00) per month. Such allowance shall be in addition to any other compensation or allowances prescribed by law and shall be payable from the general funds of any such county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 315

H. 944—McCluskey

AN ACT

To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the county board of education, upon the recommendation of the

county or city superintendent of education, may select and adopt textbooks and instructional materials for use in the public tax-supported schools other than the textbooks and materials on the list of state-approved or state-adopted textbooks, and may substitute such books and materials for the books and materials on the state adoption list. Provided, however, such county board of education shall provide free textbooks to all grades which would be provided under the terms of Act No. 221, Special Session, 1965, H. 40, (Act of 1965 Special Session, p. 288).

Section 3. The provisions of Act No. 412, Regular Session 1945, or of the Free Textbook Law of 1965, that are inconsistent with this act are superseded by this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 316

H. 946—McCluskey

AN ACT

Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census, the county governing body is authorized to prepare building sites and to build and maintain access roads provided any such access road joins a county or state owned and maintained road or highway, as hereinafter provided.

Section 2. Costs of preparing such original building sites and access roads may be incurred by the county, provided the member of the county governing body in whose district said house site and access road is built considers it to be of benefit to the county.

Section 3. Costs for use of county equipment and materials for continued maintenance of building sites and access roads will be shared with property owner as determined by the member of the county governing body in whose district said work is done.

Section 4. Any road work or maintenance, or building site construction which is necessary to correct flood and drainage problems and fire hazards which constitute a potential danger to citizens of the county may be performed by the county at county expense as determined by the member of the county governing body in whose district said danger exists.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 317

H. 858—Weeks

AN ACT

Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Each member of the county commission in such counties shall be entitled to receive an expense allowance in the amount of \$200 per month to be paid out of the county treasury which shall be in addition to all other expense allowances heretofore provided for by law for such members.

Section 3. At the beginning of the next term of office, the chairman of the county commission in such counties shall be entitled to receive a salary of \$700 per month and all other members of such commissions shall be entitled to receive a salary of \$650 per month. Such salaries shall be paid out of the county treasury and shall in lieu of all other salaries heretofore provided by law for such members.

Section 4. At the beginning of the next term of office,

each member of the county commission in such counties shall be entitled to receive an expense allowance in the amount of \$475 per month to be paid out of the county treasury; such expense allowance shall be in lieu of that provided in Section 2 hereinabove and shall also be in lieu of any expense allowance or allowances heretofore provided for by law for such members.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 318

H. 403—Crowe, Sparks

AN ACT

Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census, the sheriff shall be entitled to an expense allowance of seventy-five dollars (\$75.00) per month. Such allowance shall be in addition to any other compensation or allowances prescribed by law and shall be payable from the general funds of any such county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 319

H. 1105—Kinsey, McMillan

AN ACT

To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. All real estate in any county to which this act applies shall be assessed for ad valorem tax purposes according to its value in actual use.

Section 3. In any county to which this act applies, no real estate shall be assessed on the basis of its speculative use or value. Even though real property may actually be zoned for potential residential or commercial use, it shall be assessed for ad valorem tax purposes for such zoned, potential use if the actual use is farming or agricultural.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 320

H. 959—Smith (M), Turnham

AN ACT

Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the county commission or other like governing body of such county is authorized and directed to pay from the general fund to the sheriff of said county fifty dollars (\$50.00) per month as an expense allowance. This allowance shall be in addition to the salaries and other allowances, if any, prescribed by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 321

H. 977—Holley

AN ACT

To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coffee County Commission, or other like governing body, is hereby authorized, in addition to the salary otherwise prescribed by law, to pay every member of the county commission an expense allowance. The expense allowance shall be in the amount of \$400 per month for the remainder of the calendar year, 1977; for the calendar year 1978, such allowance shall be in the amount of \$425 per month; and for the calendar year 1979 and succeeding calendar years the allowance shall be \$450 per month. Such expense allowance shall be in lieu of any allowances heretofore paid such member for expenses, including transportation expenses, and he shall not be furnished a county-owned motor vehicle. Such expense allowance shall be paid out of the county treasury. His salary and expense allowance hereinabove authorized shall the total compensation of each such member for the performance of his duties as a member of such governing body.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall have retroactive effect, and shall apply to and govern expense allowances to members of the Coffee County Commission beginning on January 17, 1977.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 322

H. 593—Starkey

AN ACT

Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, each member of the County Board of Education shall be paid an amount of \$100.00 per month as additional expense allowance, said amount being supplemental and in addition to any compensation or expense allowance now being paid. Said expense allowance shall be paid monthly out of funds of such Boards of Education.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 323

H. 645—Johnsan

AN ACT

Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers and for certain magistrates in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable to all counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, the salaries and expense allowances of the tax assessor and tax collector shall each be the same as the salaries and expense allowances heretofore provided by general and local law for the clerk of the circuit court in such counties.

Section 3. In such counties, the salaries of the license commissioner and clerk of the county commission shall each be \$2,000 less than the salary heretofore provided by general and local law for the clerk of the circuit court in such counties and the expense allowances of said commissioner and clerk shall each be the same as those expense allowances heretofore provided by general and local law for the clerk of the circuit court in such counties.

Section 4. In such counties, the expense allowances of the clerk of the district courts shall each be the same as those expense allowances heretofore provided by general and local law for the clerk of the circuit court of such counties. The expense allowances will continue to be paid in addition to any salary received from the state treasury.

Section 5. In such counties, the salaries of any person, who was serving as full-time ex-officio judge of any county court in this state, and who is continuing to serve as a full-time magistrate of a district court of this state, shall each be \$2,000 less than the salary heretofore provided by general and local law for the clerk of the circuit court in such counties and the expense allowances of said magistrates shall each be the same as those expense allowances heretofore provided by general and local law for the clerk of the circuit court in such counties. The expense allowances shall continue to be paid in addition to any salary received from the state treasury.

Section 6. In such counties, the salaries of any person, who was serving as full-time chief assistant ex-officio judge of any county court of this state, and who is continuing to serve as a full-time magistrate of a district court of this state, shall each be \$5,500.00 less than the salary heretofore provided by general law for the clerk of the circuit court in such counties.

Section 7. The salaries and expense allowances herein provided for shall be paid from the county treasury in equal monthly installments.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of law which conflict with this act are hereby repealed.

Section 10. This act shall become effective on June 1, 1977.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 324

S. 651—Edwards

AN ACT

Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

The office of constable in Morgan County is hereby abolished. This amendment shall not be adopted unless a majority of the qualified electors of Morgan County who participate in the election held on the adoption of this amendment vote in favor thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall

be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the Senate April 7, 1977

Passed the House April 27, 1977

Act No. 325

H. 1145—McCluskey

AN ACT

To provide for renaming of positions and setting and payment of salaries of an administrative assistant and two secretaries to the district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable to all counties having a population of not less than 65,000, nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The district attorney in any county to which this act applies shall have the authority to appoint an administrative assistant to the district attorney, said position having previously been referred to as clerical assistant to the district attorney, and the administrative assistant shall be entitled to a salary of not less than \$9,000, nor more than \$10,500 per annum, the exact amount of such salary to be fixed by the district attorney for such counties. Said salary shall be paid in equal monthly installments out of the treasury of such counties in the same manner as other county officers are paid.

Section 3. The position of secretary number one for the office of district attorney is hereby created, said position having previously been referred to as secretarial assistant for the office of district attorney, and the compensation of secretary number one shall be set by the district attorney at a sum not exceeding \$7,200 per annum, the exact amount of such salary to be fixed by the district attorney for such counties. Said salary shall be paid in equal monthly installments out of the treasury of such counties in the same manner as other county officers are paid.

Section 4. The position of secretary number two for the office of district attorney is hereby created, said position having previously been referred to as secretarial assistant for the office of district attorney, and the compensation of secre-

tary number two shall be set by the district attorney at a sum not exceeding \$7,200 per annum.

Section 5. Should federal funding for secretary number two be available upon enactment of this act, or become available, such federal funding shall be used to pay the compensation of secretary number two. In the event that federal funding is not available upon enactment of this act; or if such federal funding is used and is thereafter exhausted or otherwise unavailable, then the governing body of such county shall provide the funding for the compensation of such secretary number two.

Section 6. The district attorney is authorized to pay the increases in salaries of the said administrative assistant, secretary number one, and secretary number two, as set forth in this act, by the use of funds available to him from all sources, such as grants, appropriations, the circuit solicitor's fund, special expense account, and any other legal source that is available, in order, if possible, to prevent having said salary increases to be paid for said county treasury.

Section 7. The administrative assistant, secretary number one, and secretary number two shall be appointed by the district attorney and shall serve as long as the district attorney serves, or until discharged by the district attorney.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 28, 1977

Time: 2:30 P.M.

Act No. 326

S.J.R. 247—Perloff

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED PROBATE CODE FOR THE STATE OF ALABAMA.

WHEREAS, there is great and pressing need for a comprehensive study of the need of devising and adopting a revised

probate code for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the need for adopting a revised probate code for the State of Alabama. Such committee shall be composed of six members from the House and six members from the Senate to be appointed by the presiding officer of their respective houses. The committee shall adopt its own rules of procedure for the conduct and transaction of its business and shall elect its own chairman and vice chairman.

Upon the request of the chairman, or the vice chairman, the Secretary of the Senate or the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1978 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, however, that the expenditures for any purposes of this committee shall not exceed eight thousand dollars.

Approved April 28, 1977.

Time: 2:30 P.M.

Act No. 327

H. 738—Kelley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Grant, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of Grant, Alabama, in addition to the lands now included therein, all of the following territory, to-wit:

That part of the West half of the Southwest fourth of the

northeast fourth of Section 18, Township 6 South, Range 4 East in Marshall County, Alabama, described as follows: Beginning at the Northwest corner of the Southwest fourth of the Northeast fourth of Section 18, Township 6 South, Range 4 East; thence North 88 deg. 16 min. East 667.67 feet along the North line of said fourth to an iron pin; thence South 0 deg. 16 min. West 1165.80 feet to the North margin of a County Road; thence in a southwesterly direction along the North margin of said County Road; the 75 deg. 37 min West 122.16 feet; thence South 84 deg. 25 min. West 143.40 feet; thence leaving margin of said road, North 0 deg. 50 min. East 1318 feet to the point of beginning, containing 19.67 acres, more or less, in Marshall County, Alabama.

ALSO: Begin at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 7, Township 6 South, Range 4 East, thence North 60 feet to the point of beginning, thence South 87 deg. 30 min. West 350 feet, thence North 400 feet, thence North 87 deg. 30 min. East 350 feet, thence South 400 feet to the point of beginning, containing 3.2 acres more or less; said property is situated lying and being in Marshall County, Alabama. And all land, 3 acres, more or less, situated on the north side of the Swarengin road or County Road number 77 being a part of the Southwest fourth of the Southeast fourth and the Northwest fourth of the Southeast fourth of Section 7, Township 6 South, Range 4 East, that lies West of a branch extending in a northern and southern direction across said 80 acres of land lying and being in Marshall County, Alabama.

ALSO Commencing at the Southeast corner of Section 12, Township 6 South, Range 3 East in Marshall County, Alabama; thence in a Westerly direction along the South line of said Section 660 feet to the point of beginning for the property herein described; thence North and parallel with the East line of said Section 12, approximately 1980 feet to a point on the North line of the South half of the Northeast fourth of the Southeast fourth of said Section 12; thence North 85 deg. 08 min. East 660 feet to a point on the East line of said Section; thence North along the East line of said Section approximately 800 feet to a corner in the D. A. R. School land; thence West 99 feet; thence North along the West line of said School land approximately 600 feet to the top of the bluff; thence along the top of the bluff line in a southeasterly direction crossing through the Southwest fourth of the Northwest Fourth of Section 7, Township 6 South, Range 4 East and running approximately through the Southeast corner of said last mentioned forty; thence continuing in a Southeasterly direction across the Northeast fourth of the Southwest fourth of said Section 7,

to a point where said top of the bluff intersects the East line of the said last mentioned forty at a point approximately 440 feet North of the Southeast corner of said last mentioned forty; thence South along the East line of the Northeast fourth of the Southwest Fourth of said Section 7, approximately 440 feet to the Southeast corner of the said last mentioned forty; thence West along the South line of the North half of the Southwest fourth of said Section 7, approximately 2640 feet to the East line of Section 13, Township 6 South, Range 3 East in Marshall County, Alabama; thence South along the East line of the Southeast fourth of the Southeast fourth of said Section 12, approximately 690 feet to a corner of the D. A. R. School property; thence South 85 deg. 08 min. West 351 feet; thence South 626 feet to a point on the South line of said Section 12; thence in a Westerly direction along the South line of said Section 309 feet to the point of beginning, in Marshall County, Alabama, less and except that certain parcel of land heretofore conveyed to Olon Clinton Tucker and Olympia Cometti Tucker by deed recorded in Deed Book 460, page 299 in the Probate Office of Marshall County, Alabama particularly described as follows: Begin at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 7, Township 6 South, Range 4 East, thence North 60 feet to the point of beginning, thence South 87 deg. 30 min. West 350 feet, thence North 400 feet, thence North 87 deg. 30 min. East 350 feet, thence South 400 feet to the point of beginning, containing 3.2 acres, more or less; said property is situated, lying and being in Marshall County, Alabama.

ALSO: The property locally known as the Ayers-Walls Subdivision and is officially described as: the Northwest fourth of the Southeast fourth, Section 7, Township 6, Range 6, containing 34 acres more or less as recorded in Plat Book 6, page 87 in the office of the Probate Judge, Marshall County, Alabama.

ALSO: The West half of the Southwest fourth of the Northeast fourth of Section 18, Township 6 South, Range 4 East in Marshall County, Alabama, LESS AND EXCEPT, $\frac{1}{2}$ acre, more or less, particularly described as follows: Commencing at SE corner of the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 18; thence West along the South line of said twenty 200 feet; thence in a Northeasterly direction 97 feet to a point on the South margin of public road; thence in a Northeasterly direction along the South margin of said road 200 feet to the East line of said twenty; thence South along the East line of said twenty 137 feet to the point of beginning, and containing in this conveyance $19\frac{1}{2}$ acres, more or less, in Marshall County, Alabama, subject to any existing telephone

line easement and road right-of-way easements, as recorded in Book 548, page 482 in the office of the Judge of Probate, Marshall County, Alabama.

ALSO: The property locally known as the Vance Sutton place and is officially described as; The West half of the Northwest fourth of the Southeast fourth of Section 18, Township 6 South, Range 4 East, containing 20 acres, more or less, in Marshall County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 328

H. 462—Hilliard, Jolly, Trammell, Hall,
Harrison, Hopping, Tucker,
Moore (O)

AN ACT

TO AUTHORIZE ANY MUNICIPALITY HAVING TWO HUNDRED FIFTY THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO SELL AND REGULATE THE SALE OF STOLEN, ABANDONED, LOST OR UNCLAIMED PERSONAL PROPERTY.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all municipalities having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal decennial census.

Section 2. The governing body of any such municipality is hereby authorized to take up and store stolen, abandoned, lost or otherwise unclaimed personal property but excluding pistols found within the corporate limits or outside the corporate limits but within the police jurisdiction of such municipality, and to sell and regulate the sale thereof, including but not limited to the setting of the dates for such sales, establishing the period of time such property shall be held or stored prior to the sale thereof, and providing the manner and method by which the notice of such sale is to be given prior to such sale.

Section 3. All laws or parts of law in conflict with this Act are, to the extent of such conflict, hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 28, 1977 without approval by the Governor.

Act No. 329

H. 1210—Merrill

AN ACT

To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of seven hundred and fifty thousand dollars (750,000) for salaries and expenses of the legislature for the fiscal year ending September 30, 1977.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 29, 1977 without approval by the Governor.

Act No. 330

S. 805—Goodwin

AN ACT

To authorize any incorporated city or town in the State to issue its warrants to provide funds to enable any airport authority whose incorporation it has approved to acquire, own and operate an airport including related facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Any incorporated city or town in this State may borrow money to the extent of its constitutional debt limit for the purpose of providing funds to enable or assist any airport authority incorporated as a public corporation with the consent and approval of such city or town to acquire, own and operate any airport including related facilities, situated within or without the corporate limits of such city or partly within or without such limits, and to pay all costs, fees and commissions agreed upon in connection with any such loans;

and the governing body thereof may, without an election, issue evidences of its indebtedness in the form of interest bearing warrants, notes or bills payable, maturing at such time or times as such governing body may determine, not exceeding twenty years from the date of issue, and any such city or town may, as security for any such evidences of indebtedness, and as a part of the contract whereunder any money is borrowed, agree to annually levy, collect and apply to the payment thereof, so long as the same or any part thereof remains unpaid, any special tax or license authorized on the date of such contract to be levied and collected.

Section 2. This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved April 28, 1977.

Time: 6:00 P.M.

Act No. 331

S. 806—Goodwin

AN ACT

To authorize and make provision for the incorporation of Airport Authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities, including offices, hangars, and facilities for airlines, and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as schools, recreation facilities, housing facilities, railroads, docks, wharves, warehouses, manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions, or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by any such Authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties and municipalities in Alabama, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain and zoning powers; to exempt each such Authority from laws, ordinances and regulations relating to zoning or relating to the advertising and award of construction or purchase contracts; to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of the Authority

or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues, rent, income and funds of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues, rent, income and funds of the Authority issuing such bonds, whether the Authority's right to such revenues, rent, income and funds then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed as provided in the Uniform Commercial Code; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county or municipality within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county or municipality within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for use primarily as safety equipment.

"Airport" shall mean any area of land or water which is used, or intended for use, for the landing, take-off, storage, parking or dispersal of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings, fa-

cilities or rights-of-way, together with all airport buildings, structures and facilities located thereon.

“Airport building” shall mean any building used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the Authority.

“Airport facility” shall mean any building, structure, land, right-of-way, equipment or instrumentality used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the Authority.

“Air navigation facility” shall mean any facility used in, available for use in, or designed for use in aid of, air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

“Other facility” shall mean any land, right in land, building, structure, machinery, equipment or facility useful for or in connection with any housing or residential project or facility, or any educational project or facility, or any stadium, coliseum, fair ground, exhibition or athletic building or any other recreational facility, or any manufacturing, commercial, research or related facilities for the promotion or development of industry or trade or any one or more of all of the foregoing.

“Authority” means a public corporation organized pursuant to the provisions of this Act.

“Authorizing subdivision” means any county or municipality in this State whose governing body receives and approves an application for permission to organize an Authority.

“Board” means the board of directors of the Authority.

“Bond” means any bond authorized to be issued pursuant to the provisions of this Act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Director” means a member of the board of directors of the Authority.

“Heliport” shall mean an airport designed primarily for use by helicopters.

"Indenture" shall mean a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the Authority as security for bonds.

"State" shall mean the State of Alabama.

"County" shall mean any of the sixty-seven counties of the State.

"Municipality" shall mean any of the incorporated municipal corporations of the State, whether classified as "city" or "town".

Section 2. Authority and Procedure to Incorporate. Pursuant to the provisions of this Act, Airport Authorities may be organized as public corporations with the powers herein set forth. To organize such a corporation, not less than three natural persons shall file with the governing body of any county or any municipality an application in writing for permission to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If each governing body with which application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate the Authority as a public corporation in the manner hereinafter provided, using for that purpose the form of the certificate so approved.

Section 3. Contents of Certificate of Incorporation. The certificate of incorporation of the Authority shall state: (a) the names of the persons forming the Authority, together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the State; (b) the name of the Authority (which name shall include the words "AIRPORT AUTHORITY" or "AIRPORT AND INDUSTRIAL AUTHORITY"); (c) the period for the duration of the Authority (if the duration is to be perpetual that fact shall be so stated); (d) the name of each of the authorizing subdivisions, together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the Authority; (e) the proposed location of the principal office of the Authority, which shall be in this State; and (f) any other matters relating to the Authority that the incorporators may choose to insert and that is not inconsistent with this Act or with the laws of the State.

Section 4. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the Authority

shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds and shall have attached thereto a certified copy of each of the resolutions provided for in Section 2 hereof and a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the Authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county specified in the certificate of incorporation as the county in which the principal office of the Authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the Authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers herein granted.

Section 5. Amendment of Certificate of Incorporation. The certificate of incorporation of an Authority may be amended to change or modify any provision or to add any provision which could have been included in the original certificate of incorporation. The amendment shall be effected in the following manner: the certificate of amendment shall be signed and acknowledged by each director before an officer authorized by the laws of the State to take acknowledgments of deeds and shall have attached thereto a certified copy of a resolution consenting to such amendment adopted by the authorizing subdivision or the authorizing subdivisions. Such certificate of amendment and certified copies of a resolution or resolutions shall be filed for record in the office of the judge of probate of the county in which the certificate of incorporation was filed. The Judge of Probate shall forthwith receive and record such certificate of amendment and attached documents. When such certificate of amendment and attached documents have been so filed, the amendment shall become effective as therein provided.

Section 6. Board of Directors of Authority. Each Authority shall be governed by a board of directors of either three or five members, as provided in the certificate of incorporation or the by-laws. If the sole authorizing subdivision is a county, the county commission of the county shall elect all directors. If the sole authorizing subdivision is a municipality, the governing body of such municipality shall elect all directors. The directors initially elected shall be elected for terms of office of two, four and six years, respectively, and their suc-

cessors shall be elected for terms of six years. If a county and a municipality are both authorizing subdivisions, the governing body of the municipality shall elect one director for an initial term of two years if three directors are to be elected, and one director for an initial term of two years and one director for an initial term of four years if five directors are to be elected; the county commission shall elect one director for an initial term of four years if three directors are to be elected, and one director for an initial term of two years and one director for an initial term of four years if five directors are to be elected; and the governing bodies of the county and the municipality shall agree on the third or fifth director, whose term of office shall be for six years. In the event of a vacancy in the office of such third or fifth director which continues for more than thirty days, then and in such event, the Governor shall, upon the request of any one or more of such authorizing subdivisions, appoint the said additional director. The term of office of all directors except those initially elected shall be for a term of six years. Election of directors by the governing body of a municipality shall be on the nomination of the Mayor. Election of directors by the county commission of a county shall be on the nomination of the Judge of Probate. If the certificate of incorporation shall so provide, any member of the county commission of a county which is an authorizing subdivision or the governing body of the municipality which is an authorizing subdivision shall nevertheless be eligible for election as director. If the certificate of incorporation shall so provide, the mayor of the municipality which is the authorizing subdivision or the judge of probate of the county which is an authorizing subdivision, or both such mayor and such judge of probate if both a county and a municipality are authorizing subdivisions, shall ex-officio be entitled to notice of each special or called meeting and the right to attend all meetings of the board, but shall have no right to vote at any such meeting and shall not be considered in determining a quorum. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner herein prescribed by the governing body which elected the director whose unexpired term he is filling, or, in the case of the additional member, by the governing bodies of both the county and the municipality, and failing such election for a period of more than thirty days, shall be appointed by the Governor, upon the request of any such governing body. Directors shall be eligible for reelection.

A majority of the directors shall constitute a quorum of the board for the transaction of business but any meeting of the board may be adjourned from time to time by a majority

of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the Authority. The board shall hold an annual meeting and such other regular meetings as may be provided in the by-laws of the Authority; and the board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the Authority or any two directors, a special meeting of the board must be held. Any matter on which the board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the Authority, recorded in a well bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Each director may also be compensated by the Authority in an amount authorized by the by-laws and by the governing body of the authorizing subdivision or subdivisions. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 7. Officers of the Authority. The officers of the Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board shall deem necessary to accomplish the purposes for which the Authority was organized. The chairman and vice-chairman shall be elected by the board from its membership, but neither the secretary, the treasurer nor any of the other officers of the Authority need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman and vice-chairman of the Authority shall be elected by the board for a term of one year, and the secretary and the treasurer and the other officers of the Authority shall be elected by the board for such term as it deems advisable. The board shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be

prescribed in the by-laws or by the board. The duties of any other officer of the Authority shall be such as are from time to time prescribed by the board.

Section 8. Powers of the Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;

(2) to sue and be sued in its own name in civil suits and actions, excepting actions in tort against the Authority;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to manage said property, and to develop any property (whether developed or undeveloped) owned, leased or controlled by it;

(6) to make, enter into, execute and perform such contracts, agreements, leases and other instruments and to take such other action as may be necessary or convenient to accomplish any purpose for which the Authority was organized or of the exercise of any power granted hereunder;

(7) to plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, including the acquisition, construction, installation, equipment, maintenance and operation at, or in connection with or in furtherance of the use of such airports, of sanitary and storm sewage systems and water, electric and gas systems, buildings, hangars and other facilities for airlines and the servicing of aircraft or for the comfort, use and accommodation of air travelers and the purchase and sale of supplies, goods and commodities as are incident to the operation of its airport properties;

(8) to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known)

landing, loading or storage areas and transportation terminals, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision;

(9) to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities, suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by such Authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the Authority may require or approve;

(10) to furnish or supply upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the Authority, to persons and aircraft thereon, for reward or compensation, goods, commodities, space, facilities and services convenient or useful to the owners, operators and users of aircraft, and to persons upon said airport, heliport or aircraft landing area including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings and structures, parking space for aircraft and automobiles, and the services of mechanics, instructors and hostlers;

(11) to confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the Authority, all or any part of the goods, commodities, things, services and facilities in clause (10) of this section authorized to be supplied;

(12) to acquire (by eminent domain and otherwise), establish, construct, expand, own, control, equip, improve, maintain, operate and regulate satellite airports or landing fields for the use of aircraft in the State whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision;

(13) to acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports, air navigation facilities and other facilities, whether in one or more counties and whether within or without the corporate limits

of any authorizing subdivision, provided, however, that the Authority shall not acquire or take over any airport or air navigation facility owned or controlled by any county, municipality or public agency of the State, or any one or more thereof, without the consent of such county, municipality or public agency; the use of any airport, heliport, or aircraft landing area or other properties owned or operated by the Authority;

(14) to acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which may be used or useful for educational facilities, and to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate schools, institutions of higher learning and other educational facilities upon or adjacent to the properties of the Authority; and to sell, lease or donate such educational properties;

(15) to acquire by purchase, gift, devise, lease, eminent domain proceedings or otherwise property which has been or may be used or useful for housing, apartments and other residential buildings, structures, complexes and projects, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate such housing and residential facilities upon or adjacent to the properties of the Authority; and to sell, lease or donate such properties;

(16) to acquire by purchase, gift, devise, lease, or otherwise, to establish, expand, own, control, equip, improve, maintain, operate and regulate railroads, spur tracks and other railway facilities and equipment on or adjacent to the properties of the Authority; and to sell or lease such properties;

(17) to acquire by purchase, gift, devise, lease, eminent domain proceedings or otherwise docks, wharves, maritime warehouses, machinery and equipment and port facilities; provided that all such docks, wharves, maritime warehouses, machinery and equipment and port facilities shall be leased to and operated by the Department of State Docks;

(18) to issue interest bearing revenue bonds to provide funds for any corporate function, use or purpose, such bonds to be payable from the limited sources hereinafter referred to;

(19) to pledge for payment of such bonds any revenues, rents, receipts and funds from which such bonds are made payable;

(20) to assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues, rents, receipts and funds from any air transportation facilities, air navigation facilities or other facilities or any part thereof, that may be acquired by the Authority;

(21) to exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of the Alabama Code, 1975, with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, including air space, navigation easements, structures and obstructions to flights, and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility or sanitary or storm water sewage systems, water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport, or aircraft landing area or other properties owned or operated by the Authority;

(22) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by general rule and other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

(23) to fix, establish, collect and alter landing fees, tolls, rents and other charges for the use of any airport, heliport, landing area, air navigation facilities, other facilities, building, structure, facility or other property owned or controlled by the Authority;

(24) to make and enforce reasonable rules and regulations governing the use of any airport, heliport, landing area or airport facility or other facility owned or controlled by the Authority;

(25) to provide for such insurance, including but without limitation use and occupancy insurance, as the board may deem advisable;

(26) to invest any funds of the Authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct, general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of this State or any county or municipality therein or in interest bearing certificates of deposit of any bank or savings and loan association; provided that such certificates of deposit are collaterally secured by a pledge of obligations which are direct, general obligations of the United States of America or are unconditionally guaranteed

as to both principal and interest by the United States of America;

(27) to cooperate with the United States of America, the State, any county, city, town, public corporation, agency, department or political subdivision of the State or the United States of America, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the Authority was established;

(28) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful to the Authority;

(29) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any airport, heliport, or airport facility, air navigation facility or other facility from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever;

(30) to sell, donate and convey, with or without consideration, any of its properties to any one or more counties, municipalities or public corporations organized and existing under the laws of the State which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxes; provided that any such conveyance shall not be made (a) without the prior consent of the authorizing subdivision or subdivisions, as evidence by resolution duly adopted by the governing body thereof, or (b) if any such conveyance would constitute the violation of any then outstanding indenture to which the Authority is a party;

(31) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority;

(32) to appoint, employ, contract with and provide for compensation of such security officers and guards as the Authority shall deem necessary for the protection of all facilities under the control or supervision of said Authority, and all persons using such facilities. (All such security officers shall be conservators of the peace and shall have and exercise all powers and authorities of peace officers in the State. Jurisdiction over all misdemeanors committed on the property of the Authority shall be vested in the district courts of the county that is an authorizing subdivision or if no county is an authorizing subdivision, in the district court of the county where the misdemeanor occurred); and

(33) to enter into a management agreement or agreements

with any county or municipality in the State for the management by the Authority of any airport, heliport, air navigation facility or other facility useful to the Authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, upon such terms and conditions as may be mutually agreeable.

Section 9. Federal and Local State Aid. The Authority is authorized to accept, receive, receipt for, disburse and expend Federal, State, county or municipal moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this Act. All Federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this State, and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by law.

Section 10. Cooperation. For the purpose of aiding and cooperating with the Authority in the planning, development, undertaking, construction, extension, improvement or operation of airports, heliports and air navigation facilities and other facilities, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and conditions, with or without consideration, as it may determine:

- (a) Lend or donate money to the Authority;
- (b) Provide that all or a portion of the taxes or funds available or to become available to it, or required by law to be used by it for airport purposes, shall be transferred or paid directly to the Authority as such funds become available to it;
- (c) Cause water, sewer, electric, gas or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports, heliports or air navigation facilities or other facilities;
- (d) Donate, sell, convey, transfer or lease to the Authority any land, property, franchise, grant, easement, license or lease, which it may own;
- (e) Donate, sell, convey or lease any airport, airport property, heliport or heliport property, or any interest in any thereof owned by it, to the Authority;
- (f) Donate, transfer, assign, sell or convey to the Authority any rights, title or interest which it may have in any lease, contract, agreement, license or property;

(g) Furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan streets, roads, roadways and walks from established streets or roads to such airport or air navigation facilities or abutting or adjacent to such airports or air navigation facilities;

(h) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction or operation of airports, heliports and air navigation facilities and other facilities; and

(i) Furnish at the request of the Authority fire and air crash equipment of all kinds and personnel to properly operate such equipment at any airport, heliport or aircraft landing area owned, operated or under the jurisdiction of the Authority.

Section 11. Suits against the Authority or any Director. No action or suit shall be brought or maintained against the Authority or any director thereof, for or on account of the negligence of such Authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any airport, heliport or other facility owned or controlled by the Authority.

Section 12. Bonds of the Authority. The Authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on all such bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the Authority from the operation of any or all of its airports, heliports, facilities and other property. None of the bonds issued or contracts entered into by the Authority shall ever constitute or create an obligation or debt of the State, or of any county or municipality within the State, or a charge against the credit or taxing powers of the State, or of any county or municipality within the State, or a charge against the credit or taxing powers of the State, or of any county or municipality within the State. Bonds of the Authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the State, and may bear interest at such rate or rates, whether exceeding the rates proscribed by any law as usurious or not, payable and evidenced in such manner, all as shall not be in-

consistent with the provisions of this Act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall be made subject to redemption at the option of the Authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the board. The Authority may pay all reasonable expenses, premiums, fees and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. Neither a public hearing nor consent of the State Department of Finance shall be prerequisite to the issuance of bonds by any Authority. Notwithstanding the fact that they are payable solely from a specified source, all bonds issued under the provisions of this Act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the State if they otherwise possess all the characteristics of negotiable instruments under the laws of the State.

Section 13. Execution of Bonds. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority and the seal of the Authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the bonds.

Section 14. Security for Bonds. In the discretion of the Authority any bonds may be issued under and secured by an

indenture between the Authority and a trustee. Said trustee may be a private person or corporation, including but not limited to any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds the Authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues, rents, income or funds to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, the Authority may mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues, rents, income or funds so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed as provided in the Uniform Commercial Code. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues rents, income or funds so pledged and a brief description of any property the revenues, rents, income or funds from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof any of its revenues, rents, income or funds, the Authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building or structure owned by the Authority, the creation and maintenance of special funds from any revenue, rents, income or funds of the Authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by the Authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the Authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in ad-

dition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings enforce payment of such principal or interest and compel performance of all duties of the board and officers of the Authority, and shall be entitled as a matter of rights and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the Authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 15. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the airport, facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such airport, facilities or property; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the airport, facilities or property; the cost of landscaping the lands forming a part of such airport, facilities or property and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection with the airport, facilities or property; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with such airport, facilities or property; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding eighteen months after completion of such construction and equipment. If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of the bonds of the same issue.

Section 16. Refunding Bonds. The Authority may at any time and from time to time issue refunding bonds for the purpose of refunding or providing funds to pay the principal of and the interest on any bonds of the Authority theretofore issued hereunder and then outstanding, whether or not such principal or interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in

connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to bonds of the Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the Authority. The Authority may at any time and from time to time issue bonds for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 17. Exemption from Taxation. The bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State. All property and income of the Authority shall be exempt from all State, county, municipal and other local taxation; provided however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of the Authority from the payment of any licenses or privilege taxes levied by the State, the county or any municipality in the State.

Section 18. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county or municipality within this State is authorized in its discretion to invest in bonds of the Authority any idle or surplus money held in its treasury.

Section 19. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such bonds shall be legal investments for savings banks and insurance companies organized under the laws of the State.

Section 20. Notice of Bond Resolution. Upon the adoption by the board of any resolution providing for the issuance of bonds, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this State not less than five days in each calendar week and distributed in the county in which is located the principal office of the Authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the Authority: "..... a public corporation of the State of Alabama, on the day of, authorized the issuance of \$..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 21. Exemption from Contracting, Purchasing and Zoning Restrictions; Zoning Powers. Authorities organized pursuant to this Act shall be exempt from the laws relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the State and its departments and public bodies, and shall be exempt from all zoning laws, ordinances and regulations, but nothing herein shall exempt such Authorities from laws relating to surety bond requirements for such contracts. Any Authority organized pursuant to the provisions of this Act shall have the same zoning powers, with respect to the zoning of airports in unincorporated areas owned or operated by such Authority and the zoning of unincorporated areas lying within two miles of the boundaries of such airports as are conferred by Title 4, Chapter 6, Alabama Code, 1975, on municipalities owning or operating airports.

Section 22. Dissolution of Authority. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the judge of probate in the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the Authority and sworn to by each member before an officer authorized to take acknowledgments to deeds and shall have appended thereto a certified copy of a resolution of the authorizing subdivision or authorizing subdivisions consenting to such dissolution. Upon the filing of such application for dissolution, the Authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interests of the Authority in property shall be vested in the authorizing subdivisions pursuant to the provisions of the certificate of incorporation, or in the absence of such provisions shall be vested in the authorizing subdivisions, share and share alike.

Section 23. Provisions are Cumulative. This Act shall provide an alternate and additional procedure for incorporating airport authorities and governing such authorities when incorporated. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 24. Severability Clause. In the event that any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 25. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 28, 1977.

Time: 6:00 P.M.

Act No. 332

S. 692—McDonald (A)

AN ACT

Relating to Limestone County; granting the tax collector of such county an additional 10 days in November in which to effect the disbursement of taxes as required by Title 51, Section 223, Code of Alabama, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Limestone County shall in the month of November of each year have an additional ten (10) days in which to effect the disbursement of taxes as required of him by Title 51, Section 223, Code of Alabama, 1940.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 333

S.J.R. 274—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES BRUNSON BURKHALTER.

WHEREAS, the Legislature of Alabama has learned with a sense of loss and deep regret of the death of James Brunson Burkhalter on March 3, 1977 in Centre, Alabama; and

WHEREAS, J. B. Burkhalter, who was a native of Cherokee County, served for eight years in the State Legislature, and was the owner and operator of Burkhalter Chevrolet and Oldsmobile in Centre; and

WHEREAS, he was actively and deeply involved in the religious and civic affairs of his community as a member of the Centre First United Methodist Church, a member of the Centre Chamber of Commerce, and was a charter member of the Centre Lions Club; and

WHEREAS, Mr. Burkhalter was elected to the House of Representatives in 1950, serving his district and state with great ability and dedication from 1951-1959; and

WHEREAS, we shall sorely miss our beloved former colleague, a prominent and influential leader in his community and state whom we long admired and respected and were proud to call our friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of James Brunson Burkhalter and express our deepest and most sincere sympathy to his wife, Mrs. Pearlle Arnold Burkhalter, his daughter, Mrs. Jean

Cleveland, and other family members to whom copies of this resolution shall be sent.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 334

S.J.R. 302—Goodwin

SENATE JOINT RESOLUTION

COMMENDING THE SELMA HIGH SCHOOL BASKETBALL TEAM ON WINNING THE 4A HIGH SCHOOL STATE CHAMPIONSHIP.

WHEREAS, the Saints of Selma High School claimed the State 4A crown at the University of Alabama's Memorial Coliseum, March 12, 1977, the first 4A championship win for a South Alabama team since 1967; and

WHEREAS, Selma's Saints enjoyed a remarkable 29-4 season record, an accomplishment that must be credited in great measure to Head Coach James Booth for his talented direction and leadership which helped to develop the high level of technical skill displayed by his team throughout the entire season; winning the crown was the culmination of many long hours of hard dedicated practice and discipline and served as a more than fitting finish for Coach Booth's tenure at Selma High as he leaves at the end of this year to become head basketball coach at George C. Wallace Community College; and

WHEREAS, each member of Selma High School's outstanding team is to be congratulated for his part in the Saints' fine season and championship victory, as is assistant coach A. A. Sewell for his leadership and support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Selma High School Saints for their outstanding season and for their 4A championship victory.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal W. J. Yelder, Head Coach James Booth, Coach Sewell and to the Selma Times Journal and the Selma News Record.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 335

S.J.R. 303—Shelby

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

WHEREAS, the University of Alabama basketball team won a school record 25 games in 1976-77 to become the fifth straight Alabama team to win 22 or more games in a season, thus ranking the Crimson Tide among only a handful of teams in the nation in this category; and

WHEREAS, they won the prestigious Dayton Invitational for the second time in Alabama basketball history and also won the Carolina Classic, becoming the first team in Crimson Tide history to win two tournaments in one season; and

WHEREAS, this talented team earned a berth in the nation's oldest national basketball tournament, the National Invitation Tournament, in New York's Madison Square Garden and reached the semifinals for the second time in Alabama's history; it was the third consecutive year, and fourth in five years, for them to be invited to a post-season national basketball tournament; and

WHEREAS, each member of the team, both offense and defense, played the entire season with skill and brilliance; and individually, senior Ricky Brown received honorable mention for All-SEC, and senior T. R. Dunn and Sophomore Reggie King made the All-Southeastern Conference first team with Dunn also being named the Conference's best defensive player by a special vote of the captains of the SEC teams; and

WHEREAS, for the fifth straight year, the Crimson Tide had a starting lineup made up entirely of players from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and applaud the University of Alabama's Crimson Tide for their outstanding season, and for the fame, honor and glory they have brought to our state in prestigious national competition and tournament championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Head Coach C. M. Newton and his capable staff, and to each member of the team.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 336

S.J.R. 304—Shelby

SENATE JOINT RESOLUTION

HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Legislature of Alabama recognizes that C. M. Newton, head basketball coach at the University of Alabama, is the man responsible for the Crimson Tide's phenomenal rise to national prominence, and if "All experience is an arch to build upon," Coach Newton began with an abundance of experience and talent, added perseverance and brilliance to produce teams that, undeniably, have put Alabama basketball in the spotlight as one of the top teams in the nation; and

WHEREAS, under Coach Newton, the University of Alabama can boast of a 114-28 record over the past five years; he led Alabama to a school record 25 victories in 1976-77, to its third national tournament berth and its fourth invitational in five years; and

WHEREAS, this year he was a charter inductee into the Sports Hall of Fame in his hometown of Fort Lauderdale, Florida; he has been selected to coach the South team in the prestigious Aloha Classic in Honolulu, Hawaii this Spring, and will conduct basketball camps for young people around the state for the sixth straight year in a row; and

WHEREAS, Coach Newton also has been a lecturer and clinician for numerous basketball associations and for the United States Department of State, both in the United States and in other countries; and

WHEREAS, in addition to his arduous and time-consuming responsibilities as Alabama's head basketball coach, he has further extended his activities and involvements to include serving as chairman of recruiting for the Black Warrior Council, Boy Scouts of America, and is active also in numerous civic affairs throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Coach C. M. Newton for excellence and for his dedicated interest in the young athletes of our state and nation; we are aware, and appreciate, that he has given the University of Alabama one of the most respected and most successful basketball programs in the country, and, as a token of our high esteem, direct that Coach Newton be presented with a copy of this resolution.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 337 S.J.R. 305—Ellis, Little, Vacca, Higginbotham, Edwards, King, Wilson, Bank, Shelby, McMillan, Adams, Goodwin, Stewart, Miller, Perloff, Mims, Noonan, St. John, Baker, Gilmore, Waldrop, Teague, Fine, Littleton, Mitchell, Powell, Peden, McDonald (A), and Owen

SENATE JOINT RESOLUTION

COMMENDING JOSEPH R. TURNHAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama has noted the many outstanding accomplishments of Joseph Rice Turnham, son of Pete Turnham, our esteemed colleague in the House; and

WHEREAS, young Joe Turnham is a 17 year old senior at Lee Academy in Auburn, Alabama where he is a 3-year member of the school's academic Beta Club; he was selected All District Varsity Baseball in the 10th grade, All District Varsity Basketball in the 11th and 12th grade. Co-Captain of the Varsity Basketball in the 12th grade, and has been selected Who's Who among American High School Students; and

WHEREAS, his many honors extend further to include Class President, 8th and 9th grades; Class Vice-President, 7th and 10th grades; Student Council Secretary, 11th grade, and Student Council President his senior year; and

WHEREAS, Joe Turnham has been Alabama Boys State Representative, U. S. Youth School Representative, has participated in the Senate Program in the 11th grade, was voted by his senior class as the "most likely to succeed", received honorable mention in Senator Jim Allen's "What's Right With America" essay contest, and has been voted "Mr. Lee Academy" in the 12th grade; and

WHEREAS, this outstanding young man also actively participates in the Lakeview Baptist Church Youth Program, is a Senior Councilor, Lee Chapter, Order of DeMolay, and was the DeMolay state speaking winner in 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and praise Joe Turnham of Auburn, Alabama for notable achievement, and for the many awards and honors he has received throughout his school career.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be sent to him and to his justifiably proud parents, our friend and colleague, Pete Turnham, and his wife Kay.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 338

S. J. R. 309—Goodwin and Little

SENATE JOINT RESOLUTION

DEPLORING THE CLOSING OF CRAIG AIR FORCE BASE BY PRESIDENT CARTER.

WHEREAS, the closing of Craig Air Force Base will mean an economic depression of \$55 million in the Selma area, according to Air Force estimates; and

WHEREAS, the loss of Craig will cost approximately 2,000 jobs, raising unemployment in the Selma area by 10 to 20 percent; and

WHEREAS, by closing Craig Air Force Base, President Carter will apparently cause an economic disaster in Dallas County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the closing of Craig Air Force Base by President Carter, and urge him to use the full power of the federal government to prevent or alleviate economic disaster in Dallas County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter and each member of the Alabama Congressional Delegation.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 339

S. J. R. 310—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF E. TOMMIE TERRY.

WHEREAS, the Alabama Legislature regretfully has learned of the death of Mr. E. Tommie Terry of Hillsboro, Alabama on March 29, 1977 at the age of 66; and

WHEREAS, Mr. Terry was a former two-term member of the Lawrence County Commission from the Northeast District, during which time he served on both the Mental Health and Community Action Boards; he was an active member of the Hillsboro Baptist Church, a retired heavy equipment operator and farmer, and a member and past officer of the United Terry Club; and

WHEREAS, Tommie Terry was a highly respected and beloved member of his community who, during his lifetime, gave generously of his time and concern in unselfish service to others, and will be long remembered and sadly missed by his family and many friends; he is survived by his wife, Mrs. Mary Bass Terry; three sons, Donald W., Dean and Larry Terry, all of Hillsboro; his sisters, Mrs. Hazel Turner of Decatur and Mrs. Naomi Parker Terry of Trinity, Alabama; his brothers, Hobson Terry of Hillsboro and Gilbert Terry of Moulton; ten grandchildren and three great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mr. E. Tommie Terry of Hillsboro, and direct that copies of this resolution be sent to his wife and three sons that they may know of our heartfelt sympathy.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 340

S. J. R. 313—Owen

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF MARVIN O. BERGLIN.

WHEREAS, the Legislature of Alabama was shocked and deeply saddened to learn of the untimely death of Marvin O. Berglin as the result of injuries suffered in a plane crash near New Hope, Georgia on April 4, 1977; and

WHEREAS, Mr. Berglin, who was a member of a pioneer Fairhope, Alabama family and a Navy veteran of World War II, was a member of the Alabama Water Improvement Commission, and was enroute home from a meeting of the commission at Joe Wheeler State Park at the time of the accident; and

WHEREAS, he was a prominent and highly respected Baldwin County businessman, a retired dairy producer who

had served as president of the Fairhope Creamery and was a former president of the Alabama Dairy Products Association; he was a director of the First National Bank of Fairhope, a member of the Coastal Zone Management Board, served as city councilman for a number of years, and was a member of the board of directors of the Fairhope Single Tax Corporation; and

WHEREAS, Mr. Berglin's many activities and deep involvement in civic and community affairs extended further to include membership in the Fairhope Rotary Club which he has served as president, membership in the Baldwin County Shriners Club and in the Abba Shrine Temple of Mobile; he was a past commander of the Fairhope Power Squadron, an officer of District 15 of the U. S. Power Squadron, past commodore of the Fairhope Yacht Club and a member of Trinity Presbyterian Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic death of Marvin O. Berglin and deeply feel the severe loss of one of our state's most distinguished citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Mildred C. Berglin, and to his daughter, Becky Tait, that they may know of our sorrow and deep feelings in the loss of their husband and father.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 341

S.J.R. 316—Bank

SENATE JOINT RESOLUTION

COMMENDING CHIEF W. C. MORRIS OF THE NORTH-PORT FIRE DEPARTMENT.

WHEREAS, Chief W. C. Morris began his 48-year career as a fireman with the Tuscaloosa Fire Department in April, 1928; and

WHEREAS, Chief Morris worked diligently and enthusiastically for 25 years with the Tuscaloosa Fire Department prior to retiring as assistant fire chief; and

WHEREAS, he was of great service to the Alabama Binder Chemical Safety Program for over 10 years; and

WHEREAS, W. C. Morris began his career on February

1, 1965 with the Northport Fire Department then consisting of nine men and one 1,000-gallon pumper; and

WHEREAS, he has served as fire chief of Northport since January, 1971 and has built the department up to its present strength of twenty-nine men, two stations, and three 1,000-gallon pumpers; and

WHEREAS, Chief W. C. Morris throughout his life has devoted much of his time and energy in the interest of fire fighting; and

WHEREAS, our communities rely on such a fireman to protect our well-being and to provide us with safety; and

WHEREAS, Chief W. C. Morris has distinguished himself in his community and fire department by his devotion to duty and hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends W. C. Morris of the Northport Fire Department for his service to his community as fire chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to W. C. Morris.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 342

S.J.R. 318—Teague and Jones

SENATE JOINT RESOLUTION

COMMENDING GENERAL IVAN RAY SMITH ON HIS APPOINTMENT AS ASSISTANT ADJUTANT GENERAL, ARMY, ALABAMA NATIONAL GUARD.

WHEREAS, Governor George C. Wallace has appointed Brigadier General Ivan R. Smith to serve as Assistant Adjutant General for the Army, Alabama National Guard, which appointment has received confirmation by the Alabama Senate; and

WHEREAS, General Smith, who is a native of Gadsden, Alabama, graduated from Cottonwood High School, Cottonwood, Alabama, received his B.A. and A.B. degrees from Jacksonville State University and his D.M.D. degree from the University of Alabama; he presently is engaged in the practice of dentistry in Childersburg, Alabama; and

WHEREAS, he was commissioned a Second Lieutenant in 1951 through R.O.T.C. at Jacksonville State and served on active duty, and in combat, during the Korean Conflict; General Smith joined the National Guard in 1959, serving first as dental officer, later as Inspector-General with Headquarters and Headquarters Detachment, then as director of the Selective Service Section, and prior to his appointment as Assistant Adjutant General, he was commander of the 650th Medical detachment; and

WHEREAS, General Smith's military decorations include: the Bronze Star, the Army Commendation Medal, the Korean Service Medal, the United Nations Service Medal, the Armed Forces Reserves Medal, the Alabama Commendation Medal, the Alabama Faithful Service Medal, and numerous other citations and awards; and

WHEREAS, he also is a member of many civic, charitable and fraternal organizations in Childersburg and Talladega County such as the Rotary Club and the Chamber of Commerce; his professional affiliations are numerous, and he is an active and involved member of the First Methodist Church of Childersburg; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend General Smith on his appointment as Assistant Adjutant General for the Army, we unanimously applaud his selection and confirmation, and direct that a copy of this resolution be sent to him that he may know of our esteem for his outstanding abilities and the calibre of his qualifications.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 343

S.J.R. 320—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF PAUL H. KILLIAN.

WHEREAS, The Legislature of Alabama was deeply saddened to learn of the death of Paul H. Killian of Gadsden, Alabama on March 30, 1977; and

WHEREAS, Paul Killian, called "Rastus" by those who knew him well, was a native and lifelong resident of Etowah County, a graduate of Etowah High School, an alumnus of Howard College; a veteran of World War II and an actively

involved member and deacon of the First Baptist Church of Attalla; and

WHEREAS, he was prominent in the business affairs of his community having served as manager of Fox-Penley Southern Auto Parts for 25 years and Alabama City Auto Parts for six years; he further served as secretary of the Gadsden Football Officials Association for 15 years; and

WHEREAS, Mr. Killian, was a man who gained the respect, admiration and fond feelings of all those who were privileged to know him; he was a devoted husband and father and is survived by his wife, Mrs. Juanice Reagan Killian, his daughter, Mrs. Trina Houghton, and grandchildren, Ginger and Page Haswell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Paul H. Killian and direct that copies of this resolution be sent to his family that they may know of our heartfelt sympathy for them in their great loss.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 344

S.J.R. 321—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF THE REVEREND FREEMAN GILLILAND OF ALTOONA.

WHEREAS, the Alabama Legislature has noted with a sense of loss and deep regret the death of the Reverend Freeman Gilliland of Altoona, Alabama on March 30, 1977 at the age of 95; and

WHEREAS, the Reverend Gilliland was a native and life-long resident of Etowah County, a retired farmer and a member of the Clear Creek Methodist Church; and

WHEREAS, this fine Etowah County citizen had led a rich, full life; he was devoted to his church and his total embodiment of a true Christian life of deeds and service to others served as a shining example to all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and mourn the death of the Reverend Freeman

Gilliland, and extend our heartfelt sympathy to his wife, Mrs. Birdie M. Gilliland; his sons, Mitchell and Banks Gilliland; his daughter, Mrs. Veralyne Terrell; and other family members to whom copies of this resolution shall be sent.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 345

S.J.R. 322—Waldrop

SENATE JOINT RESOLUTION

COMMENDING RICKEY BROWN CRIMSON TIDE BASKETBALL STAR.

WHEREAS, the Legislature of Alabama has noted that Wednesday, March 30, 1977 was "Rickey Brown Day" in Gadsden, Alabama, so designated in honor of the University of Alabama Crimson Tide basketball star; and

WHEREAS, overall, during the four years he was at the University, Alabama enjoyed a phenomenal 92-20 record, three past-season tournaments, three SEC Championships, and Ricky Brown played in every game, a standout on the best basketball teams in the University of Alabama history with a collegiate athletic career to be admired and envied by enthusiasts and aspirants of the sport; and

WHEREAS, young Brown has been honored not only by his community, but praised also by his coaches and his teammates as a valuable member of the team who was willing to sacrifice personal glory when necessary to become a leader as a team player; and

WHEREAS, as a graduating senior, Rickey Brown stands on the threshold of realizing his lifelong desire to play professional basketball with Gadsden High School and Alabama careers that place him at the top of the list of the nation's most sought after players; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend Rickey Brown for his outstanding accomplishments on the court for his dedication to the sport of basketball and for the honor he has brought to his hometown, university and state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Rickey and his wife Sheryl as a token of our esteem.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 346

S.J.R. 323—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES PINKNEY WOOD OF GADSDEN.

WHEREAS, it is with deep regret that the Alabama Legislature has learned of the death of James Pinkney Wood on March 29, 1977 in Gadsden, Alabama; and

WHEREAS, Mr. Wood, who was a native of St. Clair County, had been a resident of Etowah County for the past 32 years; he was an Air Force Veteran who served in the South Pacific during World War II, a member of the East Gadsden Baptist Church, and was retired from Republic Steel Corporation after 29 years service; and

WHEREAS, James Wood, affectionately and widely known as "Baby", was beloved of family and friends; he was a highly respected member of his community, an exemplary citizen of Etowah County known as a man of commendable action and deeds of service to his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn and regret the death of James Pinkney Wood and extend our most sincere sympathy to his wife, Mrs. Hassie Burgess Wood, to his sisters, Mrs. Frances Layton and Mrs. Louise Mixon, and other family members to whom copies of this resolution shall be sent.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 347

S.J.R. 324—Teague

SENATE JOINT RESOLUTION

COMMENDING THE STATE TELEPHONE OPERATORS FOR OUTSTANDING PERFORMANCE OF THEIR DUTIES.

WHEREAS, efficiency, diligence, courtesy and helpfulness

are the key to superior performance in providing service to others; and

WHEREAS, these admirable attributes are in evidence, abundantly and on a daily basis, to all those who have reason to seek assistance through our state's switchboard; and

WHEREAS, the state's telephone personnel, on numerous occasions, are called upon to handle an inordinate number of calls and inquiries, a task they consistently handle with efficiency and courtesy, and to the complete satisfaction of those seeking important, or even vital, information; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and highly praise the state telephone operators for outstanding performance of their duties and direct that copies of this resolution be made available that they may know of our sincere appreciation.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 348

S.J.R. 325—Teague

SENATE JOINT RESOLUTION

COMMENDING THE ROTUNDA TELEPHONE TRIO.

WHEREAS, the switchboard in the Capitol Rotunda is most capably handled by Mildred Auxford, Mildred Griffin and Ann Stephenson, who also take and deliver messages, make calls and instigate searches for elusive members of the Alabama Legislature; and

WHEREAS, these attractive and charming representatives of South Central Bell, each and every legislative day, perform their duties in a spirit of friendliness and helpfulness; they are devoted to their duties and dedicated to performing to perfection the many tasks they are assigned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously commend these efficient young ladies for outstanding service to the Legislature and extend our sincere appreciation for the personable manner in which their duties are performed.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Mesdames Auxford, Griffin and Stephen-

son as a token of our deep appreciation.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 349 S.J.R. 326—Gilmore, Vacca, Pearson, McMillan,
Clemon, Wilson, Ellis, Littleton,
Owen and Fine

SENATE JOINT RESOLUTION

COMMENDING JO STRONG FOR HER CONTRIBUTIONS TO THE STATE OF ALABAMA AND WISHING FOR HER A SPEEDY RECOVERY FOLLOWING RECENT SURGERY.

WHEREAS, Jo Strong of The Birmingham News has contributed in many ways to the betterment of Alabama through volunteer civic endeavors; and

WHEREAS, Mrs. Strong has particularly emphasized in her volunteer efforts improved understanding of neighboring Latin America on the part of her fellow Alabama citizens; and

WHEREAS, her unusual humanitarian interests in the welfare of Guatemalan citizens following the devastating earthquake of February 4, 1976, resulted in significant assistance for the stricken nation; and

WHEREAS, her efforts were a major factor in bringing to realization a fine vocational rehabilitation center for Guatemala City where facilities and techniques are provided to make active and useful citizens of crippled victims of the earthquake as well as other handicapped people; and

WHEREAS, now, Mrs. Strong has undergone medical and surgical treatment to correct an illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Jo Strong for her outstanding contribution to disadvantaged and handicapped people of Guatemala, wish her a speedy recovery to full health so that her beneficial activities may be continued, and direct that a copy of this resolution be presented to her that she may know of our praise and our concern for her well-being.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 350

H. 286—Campbell, Pegues, Smith (B), McCluskey, Venable, Quarles

AN ACT

To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases heretofore where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under the provision of Article 1 of Chapter 2 of Title 37 of the Code of Alabama 1940, as amended, and the judge of probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said judge of probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorporation of any municipality held to be invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act or in any matter where litigation is pending relating to the incorporation of any municipality.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 351

H. 341—Greer, Smith (B), Whatley, Hill, Starkey, Killian, Roberts, Carter, Riddick, Coburn

AN ACT

To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in nonresident fishing license fees; establishing an issuance fee for nonresident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 39 and 40 of Title 8, Code of Alabama of 1940 are hereby amended to read as follows:

“Section 39. Nonresidents of the state may procure an annual fishing license which will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state, by filing with any person authorized to issue same, an affidavit stating applicant's age, place of residence, and post office address, and after paying to the person issuing said license a fee of ten dollars. The issuing officer or authority or special agent shall be allowed a fee of twenty-five cents (25¢) for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

“Seven dollars of the above said ten dollars are to be deposited in the State treasury to the credit of the Game and Fish fund and three dollars to the credit of the Marine Resources fund.

“Section 40. Any nonresident of this state may procure a trip fishing license in the same manner provided for other licenses provided in this chapter, by paying therefor the sum of four dollars, which license will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued.

“The issuing officer or authority or special agent shall be allowed a fee of twenty-five cents (25¢) for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

"Three dollars of the above said four dollars is to be deposited in the State treasury to the credit of the Game and Fish fund and one dollar to the credit of the Marine Resources fund."

Section 2. The provisions of this act shall become effective July 1, 1977.

Approved April 29, 1977.

Time: 1:30 P.M.

Act No. 352

H. 576—Manley

AN ACT

To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Be It Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Secretary of State on publication and delivery to the state, to transmit sets of the 1975 Code of Alabama, and supplements or replacement volumes thereof, to the following agencies, departments, institutions, bureaus, boards, commissions and offices:—(1) one set to the law library of Congress; (2) one set to the custodian of the law library of the court of last resort of every state and territory for exchange upon the approval of the state law librarian of the request therefor; (3) one set to the library of the University of Alabama and one set to the land commissioner of the University of Alabama; (4) two sets to each member of this legislature including the lieutenant governor; (5) one set to the library of each junior college, trade school, technical college and public institution of higher education; (6) ten sets to the librarian of the Supreme Court and State Law Library for the use of the library; (7) two sets to the Department of Archives and History; (8) four sets to the Governor's office; (9) fifty-five sets to the Attorney General's office; (10) eleven sets to the Legislative Reference Service; (11) four sets to the Department of Court Management; (12) three sets to the State Superintendent of Education; (13) seven sets to the Department of Mental Health; (14) ten sets to the Department of Public Safety; (15) two sets to the Department of Agriculture and Industries; (16) three sets to the Alcoholic Beverage Control Board; (17) three sets to the Banking Department; (18) two sets to the State Military Department; (19) three sets to the State Department of Insurance; (20) five sets to the Board of

Corrections; (21) five sets to the Health Department; (22) four sets to the Department of Industrial Relations; (23) two sets to the Retirement Systems of Alabama; (24) six sets to the Finance Department; (25) four sets to the Pardon and Parole Board; (26) four sets to the Conservation Department; (27) five sets to the Highway Department; (28) three sets to the Department of Labor; (29) five sets to the Public Service Commission; (30) five sets to the Department of Pensions and Security; (31) ten sets to the Department of Revenue; (32) five sets to the State Toxicologist; (33) one set to each functioning agency, department, institution, bureau, board, and commission of state government not otherwise provided for by this act upon application therefor to the Secretary of State; (34) one set each to every congressman and representative from the State of Alabama in the Congress of the United States; (35) one set to every sheriff; (35) one set to the governing body of each county for use of said governing body and for use of the tax assessor, tax collector, and other county officers to whom distribution is not otherwise provided; (37) one set to the circuit court of each county and in counties having two courthouses one set for the office of the circuit clerk maintained in each of said courthouses; (38) one set to the register in equity of the circuit court in every county and in counties having two courthouses one set to the office of the register maintained in each of said courthouses provided, however, that in counties where the offices of circuit clerk and of register in equity are held by the same person, only one set shall be provided; (39) one set to the clerk of the district court and juvenile court in counties where clerks offices for these courts are maintained; (40) one set to the probate judge of each county; (41) one set to every justice of the Supreme Court and every judge of the Court of Criminal Appeals and Court of Civil Appeals and one set to each law clerk or research assistant thereof; (42) one set each to the clerk of the Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, and Reporter of Decisions; (43) one set to every judge of the circuit and district courts; (44) one set to every district attorney and deputy district attorney; (45) one set to the office of the secretary of the Senate for the use of the Senate and one set to the office of the clerk of the House of Representatives for use of the House of Representatives; (46) one set to the Mayor or other executive or presiding officer of each municipality for use of such municipality; (47) two sets to the Alabama State Bar Association.

Section 2. The Secretary of State shall set aside in the place provided for the storage of the sets of said annotated code two hundred sets thereof, which may be distributed to any public agency or officer applying therefor upon the approval of the Governor of said application.

Section 3. Duplicate sets of said annotated code, to replace sets lost or destroyed, without fault of the custodian, may be furnished to any officer entitled thereto upon application to the Secretary of State, provided said application is approved by the Governor.

Section 4. The publisher of the 1975 Code of Alabama is hereby authorized to sell said annotated code to any person, firm or corporation within or without the State, so long as the same are available for sale, at prices as may be determined and fixed by said publisher and the Governor.

Section 5. Except those sets of codes distributed to members of the Legislature and the lieutenant governor, the title of the sets of the annotated code, the distribution of which to officers and offices of the State and the several counties and municipalities thereof as hereinabove provided for, shall forever remain in the State of Alabama and said sets shall never become the personal property of any person or corporation, however long they shall have had possession thereof. Officers, employees and agents of the State and of the several counties thereof to whom a set of said annotated code is transmitted by the Secretary of State under the provisions of this act, upon the severance of their connection with their offices, employments or agencies shall deliver over to their successors, if any, and if there are no successors to the Secretary of State. Upon the failure of any officer, employee or agent to comply with the provisions of this section relative to the return of sets of annotated code in their custody they and the sureties upon their official bonds, if any, shall be liable for the value of the sets or volumes thereof not returned as herein required, to be recovered by action in the name of the State commenced and prosecuted by the district attorney of the county of their respective residences, in any court having jurisdiction of said suit.

Section 6. It shall be the duty of the Secretary of State to take receipts from each public official of the State and of the several counties to whom he distributes sets of said annotated code. And, in the event that the Secretary of State shall transmit sets for the use of all of the officers of a county to one officer of the county for distribution to the several officers in said county entitled thereto, the officer making such distribution shall take receipts from the officers, agents or employees in said county to whom he distributes said sets, showing the number of sets distributed, and the date of distribution, which said receipts must be witnessed by the officer distributing the same, and said receipts shall forthwith be sent by registered mail to the office of the Secretary of State. The Secretary of State shall register in a well-bound book, which shall be a permanent record in his office, the name, official

title and address of every public official, employee or agent of the State and of the several counties thereof to whom has been distributed sets of said annotated code under the provisions of this act, and who has signed a receipt therefor; and shall record the date of said distribution and the number of sets distributed to each such officer, agent, or employee. Upon the return of any sets by officers, agents, and employees of the State or of any county thereof, as herein provided, the Secretary of State shall note in said record book the date of said return and the number of sets or volumes returned.

Section 7. The Governor of the State of Alabama be and he is hereby authorized to contract for the preparation and publication of a compilation or abridgment of those sections of the Code of Alabama relating to a specific agency, department, institution, bureau, board, or commission which, in the opinion of the Governor, is essential to the effective performance of the duties of said agency, department, institution, bureau, board, or commission. Such contract for the publication of such compilation or abridgment may be entered into only after funds have been appropriated or is otherwise available to such agency, department, institution, bureau, board, or commission for such publication. Such compilation shall be completely indexed and may include the annotations to the sections of the code included in the compilation.

Section 8. There is hereby appropriated, out of the moneys in the State Treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to carry out the provisions of this act relating to the distribution of the sets of said code to the several State and county officers, agents and employees.

Section 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 10. That this act shall be effective from and after its passage and approval by the Governor or its otherwise becoming a law.

Approved April 29, 1977.

Time: 1:30 P.M.

Act No. 353

H. 1036—Merrill, Pegues, Weeks, Whatley,
Killian, Roberts, Crowe, Cross,
Cooper, Moore (W), Turnham,
Sasser, Kinsey, McNees,

Riddick, Brindley, Edwards,
 Jackson (F), Younce, Greer,
 Drake, Folmar, Hopping, Baker,
 Callahan, Crawford, Gafford,
 McCorquodale, Shelton,
 Holmes (D), Manley,
 Robertson, Sonnier, White,
 Porter, Biddle, McNair, McMillan,
 Venable, Cates, Smith (C),
 Lewis, Harris, Kelley, Sparks,
 Ford, McCluskey, Quarles,
 Shoemaker, Dial, Naramore,
 Carothers

AN ACT

To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any appropriations heretofore or hereafter made from any other source, there is hereby appropriated the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account to be used for medicaid purposes. This appropriation shall be only for the 1976-1977 fiscal year.

The appropriation hereinabove made shall be paid from funds in the state treasury to the credit of the State Department of Pensions and Security.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 1:30 P.M.

Act No. 354

H. 605—Wyatt

AN ACT

Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation,

including expense allowances, for the probate judges in such counties, payable out of the general fund of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge in any such county shall receive as his total compensation, including his present base salary and all expense allowances heretofore provided by law, the sum of twenty-seven thousand five hundred dollars (\$27,500). Such sum shall be payable out of the general fund of any such county in twelve monthly installments. All sums exceeding the present base salary shall be paid as an additional expense allowance in twelve monthly installments.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 1:30 P.M.

Act No. 355

H. 991—Carothers, Crawford, Smith (J)

AN ACT

To provide further for the election of a County Board of Education and a County Superintendent of Education for all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, a County Board of Education and a County Superintendent of Education shall be elected by the qualified electors of such county who reside within said county school system attendance area but not within any municipality in said county which has a separate school system. No person residing within a municipi-

pality which has a separate school system in any such county shall be eligible to vote for the County Board of Education or the County Superintendent of Education.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 356

H. 1021—Jackson (F), Holley, Smith (J)

AN ACT

Relating to all counties having a population of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census, to provide for the appointment of a county engineer and to prescribe his qualifications and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of any county to which this act applies shall appoint and employ a county engineer, who shall be a thoroughly qualified and competent professional engineer who shall not be required to be a licensed land surveyor, but shall otherwise possess all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the county highways, public roads, bridges, ferries, and other county engineering projects and shall, during his employment, reside in the county in which he is employed. The said county engineer shall serve at the pleasure of the county governing body.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 357

H. 1112—Whatley, Baker

AN ACT

To repeal Act No. 17, H. 125, 1947 Regular Session (Local Acts of 1947, p. 19), as amended by Act No. 930, H. 1771, 1971 Regular Session (Acts of 1971, p. 1689) said Act No. 17 being entitled "An Act To create a hospital commission for the City of Phenix City, Alabama, to provide its duties, powers and authority to operate hospitals and to provide a plan for hospitalization by collection of fees on a weekly or monthly basis from those desiring hospital service."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 17, H. 125, 1947 Regular Session (Local Acts of 1947, p. 19), as amended by Act No. 930, H. 1771, 1971 Regular Session (Acts of 1971, p. 1689) is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 358

H. 1124—Carothers, Crawford, Smith(J)

AN ACT

Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the county board of education of any such county to spend public funds to provide office furniture and office equipment and the necessary repair of said office furniture and office equipment as required by the county superintendent of education and his assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county board of education of any county in which this act applies is hereby authorized to expend public school funds for office furniture and office equipment and the

necessary repair of said office furniture and office equipment as required by the county superintendent of education of such county and his assistants.

Section 3. This act shall in no way relieve the county commission of any county in which this act applies from the obligation of such county commission to provide necessary furniture, office equipment, stationery, postage, forms, and supplies required by the county superintendent of education or his assistants as set out in Title 52, Section 130 of the Code of Alabama, as Recompiled in 1958 and as amended.

Section 4. All laws or parts of laws, general, local or special in conflict herewith are hereby repealed as to any counties in which this act applies.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 359

H. 1164—Smith(J)

AN ACT

Relating to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county governing body to allocate county funds to local rescue squads.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body is hereby authorized to allocate county funds to any local rescue squad located within the county.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall become effec-

tive immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 360

H. 1166—Owens

AN ACT

Relating to Tuscaloosa County; to provide retirement benefits equivalent to those received by state police to certain law enforcement officers and employees who are not covered by or participating in social security and who are employed by the sheriff's department of the county, which is now or hereafter shall become covered, under the Employees' Retirement System; to provide that the total cost of funding said benefits be borne with the electing employer unit and its employees subject to the provisions of this act; and to provide that such plan be optional with such employee.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tuscaloosa County governing body as a participating employer unit in the Employees' Retirement System, by virtue of compliance with the provisions of Section 12 of Act No. 515 of the 1945 Acts, as amended, may, by resolution legally adopted in conformity with the rules prescribed by the Board of Control of the Employees' Retirement System, elect to provide retirement benefits, on the same terms, basis and provisions as are provided for members of the Alabama State Police, to those members of said employing unit who are employed in the sheriff's department in the following rank or position and who are not covered under social security: Chief Deputy, Chief Investigator, Lieutenant Evidence Technician Identification Officer, and Investigator Sergeant, Deputy, Jailer, Matron, Execution Clerk, and Communications Officer.

Section 2. Such employing unit, as described in Section 1 of this Act, so electing, shall pay all employer costs, as determined by the actuary employed by the Board of Control, which shall be necessary to assure and provide that the employees described in Section 1 hereof shall be able to receive upon retirement, benefits equivalent to those received by members of the state police for similar years of service, compensation, and age.

Section 3. EMPLOYEES' ELECTION. Such active contributing member of the Employees' Retirement System in the service of such employing unit having elected to provide the plan and benefits hereinabove set forth on the date such plan participation commences may elect not to participate in the

new plan, but in the alternative he shall continue his membership under the existing provisions of the Employees' Retirement System; provided such election shall be affirmatively expressed in a signed and acknowledged writing, filed with the Secretary-Treasurer of the Employees' Retirement System prior to the expiration of a period ending six months next following the date that such employer's participation commences. The employer's duties, obligations, funding liabilities, and other responsibilities relative to the participation of, by and for any employee so electing shall remain unchanged.

Section 4. (1) PRIOR SERVICE CONVERSION. Any such employee who is an active contributing member of the Employees' Retirement System and is in the service of the employer on the date such employer commences participation in the plan herein described, shall contribute to the Employees' Retirement System, prior to the expiration of a period ending one year next following the commencement date of the employer's participating in the new plan, for the purpose of obtaining credit for his prior service, an amount which shall be credited to his individual annuity account and determined as follows: the difference between (1) the amount he would have contributed to the plan had it been in existence in and for each year of prior service claimed, based on the prevailing rate of member contribution in effect for state policemen at the time such employee makes payment for his prior service hereunder; plus and together therewith and additional amount equal to the compound interest which would have accrued at the percentage rate imposed on the restoration of withdrawn service under the Employees' Retirement System at the time of payment hereunder; less, (2) the amount of the employee's accumulated contributions, including interest credited thereon, under the Employees' Retirement System of Alabama

(2) The contribution on account of prior service is a mandatory prerequisite to participation by any such employee in service on the commencement date of the plan hereby established. Such employee shall claim and contribute upon each year or creditable service for which he has credit under the Employees' Retirement System. Any employee failing to make the contribution within the period prescribed by subsection (1) of this section for all such previous service, shall be conclusively deemed to have elected to retain his previous coverage and status under the Employees' Retirement System as described in Section 3 of this Act notwithstanding his failure to affirmatively express such election by a writing filed with the Secretary-Treasurer of the Employees' Retirement System.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 361

H. 1180—Baker, Whatley

AN ACT

To amend further Section 4 of Act No. 13, H. 118, of the Regular Session of 1947 (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to further regulate membership in and creditable service for and retirement under such system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 13, H. 118, of the Regular Session of 1947 (Local Acts 1947, p. 7), as amended, is hereby further amended to read as follows:

“Section 4. The revenues of the fund shall be derived and obtained from the following sources: A) From the salary of each fireman and each policeman there shall be deducted as the salary becomes payable, a sum equal to eight percent of the amount of such salary; whenever a member of the fire department or of the police department is ineligible to participate in the benefits of the fund, neither he nor his salary or other compensation shall be subject to an assessment for the benefit of the fund. B) Each fire insurance company doing business in the city shall, before the first day of March of each year, pay into the fund a sum equal to one and one-half percent of the gross premiums, less return premiums, received by such company for and on account of business done by it in the city during the preceding calendar year. It shall be unlawful for any fire insurance company or its agent to take or receive any premium for insurance against fire within the city unless such company pays to the fund any amount herein required to be paid by it. Any fire insurance company that violates any provision of this Act shall forfeit the sum of one thousand dollars, to be recovered for the use of the fund by suit brought in the name of the city. Each person, firm, or corporation conducting a fire insurance agency or brokerage business in the city shall make, and file with the city clerk within the first ten days

of each calendar year a sworn statement of the name and address of each fire insurance company which such person, firm, or corporation represented or did business for as agent or broker during the preceding year. Any person who fails or refuses to file such statement shall forfeit the sum of one hundred dollars, to be recovered for the use of the fund by suit brought in the name of the city. Forfeitures and penalties, when collected, shall be a part of the fund. Any sum, or sums, except forfeitures and penalties, required by this Section to be paid by fire insurance companies shall be treated and held to be a part of the privilege license tax which any municipal corporation may impose upon fire or marine insurance companies under Section 739 of Title 37 of the Code of Alabama 1940. C) Each fireman and policeman is required to pay promptly into the fund his witness fee in any case in which he may have been summoned by the city, and all money received by him as a donation, reward, or gratuity, including any liquor seizure fee, for unusual or special services performed in the line of duty. D) There shall be paid into the fund, as and when received by the city, amounts received by it from the Alabama Alcoholic Beverage Control Board for contraband liquors and beverages confiscated and delivered to that agency. E) The board may take by gift, grant, devise, or bequest, any money, personal property, or real estate, or any interest therein; and, any gift, grant, devise, or bequest may be absolute or upon condition that only the rents, income, and profits arising therefrom shall be applied to the purpose for which the fund is created. F) The governing body of the city shall cause to be paid into the fund monthly, out of the city treasury, an amount sufficient to match the sums contributed from salaries by members of the fire and police departments who are eligible to participate in the benefits of the fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 362

H. 1190—Whatley

AN ACT

To authorize any county having a population of not less than 42,000 nor more than 49,500 according to the 1970 or any subsequent federal census to promulgate, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the Airport

Influence Area, and to acquire, by purchase grant, or condemnation, air rights and other interests in land; to provide penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred herein; and/or other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to any county having a population of not less than 42,000 nor more than 49,500 according to the 1970 or any subsequent federal decennial census.

Section 2. Definitions.—As used in this act, unless the context otherwise requires:

(1) “Airport” means any area of land or water designed and set aside or which is proposed to be designed and set aside for the landing and taking off of aircraft and utilized in the interests of the public for such purposes. The term “airport” shall also include any area having installations relating to flight and particularly including installations, facilities and base of operations for tracking or data acquisition concerning flight.

(2) “Airport Hazard” means any structure or tree or use of land which obstructs the airspace required or the flight of aircraft or which obstructs or interferes with the control of tracking or data acquisition in the landing, taking off, or flight at an airport or at any installation or facility relating to flight, and tracking and/or data acquisition of flight craft.

(3) “Airport Hazard Area” means any area of land or water upon which an airport hazard might be established if not prevented as provided in this act.

(4) “Airport Influence Area” means any area of land or water upon which is physically influenced by the Airport or Airport operations, or otherwise synonymous with Airport Hazard Area.

(5) “Political subdivision” means any county to which this act applies or any municipality therein.

(6) “Person” means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(7) “Structure” means any object constructed or installed by man including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(8) “Tree” means any object of natural growth.

(9) “Compatible use zone” means any land area on which

certain uses, with respect to the obstruction of airspace or existing and forecasted noise levels, may be hazardous to aircraft operations or injurious to the health of the public.

(10) "Noise Exposure Forecast" NEF means a calculated quality of noise exposure for the land area affected by aircraft operations.

Section 3. Incompatible land use and Airport Hazards Contrary to Public Interest.

(1) It is hereby found that in order to promote the public health, safety, peace, comfort, convenience and general welfare of the Airport Influence Area, it is necessary:

- a. to guide, control and regulate future development;
 - b. to promote the most compatible and economic use of the land;
 - c. to protect the character and stability of existing land uses;
 - d. to prevent the destruction or impairment of the airport and the public investment therein;
 - e. to enhance the quality of the areas affected;
 - f. to protect the general economic welfare by restricting incompatible land use.
- Accordingly it is hereby declared that:

- a. compatible use zones based on aircraft airspace requirements and existing and projected noise exposure levels may be established;
- b. ordinances to implement the compatible use zones may be adopted;
- c. incompatible land uses may be restricted or prohibited;
- d. any land use that would endanger the continued use of the airport may be prohibited;
- e. standards of land use compatibility may be adopted.

(2) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly it is hereby declared:

- a. that the creation or establishment of an airport hazard

is a public nuisance and an injury to the community in which the airport is located;

b. that it is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented.

c. airport hazards may also include:

1. uses which release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft; such as, but not limited to steam, dust and smoke;

2. uses which produce light emission, either direct or indirect (reflective), which would interfere with pilot vision or judgment;

3. uses which produce electrical emissions which would interfere with aircraft communications system or navigational equipment;

4. uses which would attract birds or waterfowl, such as but not limited to the dumping of garbage, maintenance of feeding stations, or the growing of certain vegetation.

(3) It is hereby found that certain noise levels of varying duration and frequency create hazards to both physical and mental health. It is further found that a definite danger to life exists in certain areas adjacent to airports. Accordingly, it is hereby declared that where the conditions exist residential and high density uses shall not be permitted.

(4) It is hereby found that different land uses have different sensitivities to noise. Accordingly, it is hereby declared, that standards of acceptability and noise reduction standards for construction may be established.

(5) It is hereby declared that the regulation of incompatible land uses and airport hazards should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

Section 4. (1) In order to prevent the creation or establishment of incompatible land uses or airport hazards, every political subdivision having an airport hazard within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions herein-

after prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and within such zones specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

The zoning jurisdiction of the county is hereby declared to be all unincorporated areas in the county, except within the police jurisdiction of any municipality and the area within two miles of an airport owned or operated by a municipality, when said municipality exercises or declares its intention to exercise zoning control over these areas. Provided that when by local acts the jurisdiction of zoning regulations are limited to the corporate limits of a city, this act shall not confer any further territorial jurisdiction on such city or its planning board or boards.

(2) Any municipality having an airport hazard area within its zoning jurisdiction, as herein defined is hereby granted the same powers contained in paragraph (1) of this section.

The zoning jurisdiction of any municipality, zoning under the authority of this act, may include in addition to the corporate area of said municipality, the area within the police jurisdiction of such municipality and the area lying within two miles of the boundary of any airport owned or operated by said municipality, except where a local act limits the territorial jurisdiction of a city planning board to the corporate limits of a city; this act limits zoning jurisdiction to such corporate limits.

Section 5. Relation to Comprehensive Zoning Regulations.

(1) Incorporation. In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

(2) Conflict. In the event of conflict between any airport zoning regulations adopted under this act and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such regulations were adopted before or after the airport zoning regulations, or by some other political subdivision the more stringent limitation or requirement shall govern and prevail.

Section 6. Procedure for adoption of zoning regulations.

(1) Notice and Hearing. The governing body of such political subdivision in question, shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, and may adopt such ordinances or regulations as may be necessary to carry into effect and make effective the provisions of this act. No airport zoning regulations shall be adopted under the authority of this act unless and until the proposed ordinance has been published at least once a week for two (2) consecutive weeks in advance of its passage in a newspaper of general circulation within the political subdivision or if there is no newspaper, then by posting the same in four (4) conspicuous places within the political subdivision together with a notice stating the time and place that the ordinance is to be considered by the legislative authorities, and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such regulations. No such regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Such regulations, restrictions, and boundaries, and ordinances passed under the authority of this act may from time to time be amended, supplemented, changed, modified, or repealed. The preceding provisions of this section relative to public hearings and official notices shall apply equally to all changes and amendments.

(2) Airport Zoning Commission. Prior to the initial zoning of any airport hazard area under this act, the political subdivision which is to adopt the regulations shall be authorized to appoint an airport zoning commission consisting of five members each to be appointed for a term of three (3) years or may designate any existing planning commission to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the governing body of the political subdivision shall not hold its public hearings or take other action until it has received the final report of such commission.

Section 7. Airport Zoning Requirements.

(1) Reasonableness. All airport zoning regulations adopted under this act shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this act. In determining what regulations it may adopt, the political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the

terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) **Nonconforming Uses.** No airport zoning regulations adopted under this act shall require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 8 (3).

Section 8. Permits and Variances.

(1) **Permits.** Any airport zoning regulations adopted under this act may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered. All such regulations may provide rules under which nonconforming uses shall be discontinued and removed in case of being abandoned, destroyed, deteriorated, or decayed. In any event, however, all such regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement or change; but no such permit shall be required to make maintenance repairs to or replace parts of existing structures which do not enlarge or increase the height of an existing structure. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(2) **Variances.** Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this act, may apply to the administrative agency for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this act; provided, that any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this act.

(3) Hazard Marking and Lighting. In granting any permit or variance under this section, the administrative agency may, if it deems such action advisable to effectuate the purposes of this act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard, upon payment to the owner for all damage resulting to his property by such maintenance.

Section 9. Board of Adjustment.

An Airport Zoning Board of Adjustment is hereby established. Said board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Mayor or Commission chairman of the political jurisdiction, except that in the first instance one (1) member shall be appointed for a term of three (3) years, two (2) for a term of two (2) years, two (2) for a term of one (1) year. Thereafter each member appointed shall serve for a term of three (3) years or until his successor is duly appointed.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be public record.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereto to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appeal in person, or by agent or by attorney.

The Zoning Board of Adjustment shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this ordinance.

(2) To authorize upon appeal in specific cases such vari-

ance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building or structures in the same district, or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Zoning Board of Adjustment that the following conditions exist:

a. There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in that same district.

b. A personal hardship exists on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the city. A hardship exists only when it is not selfcreated, or when it is not economic in nature.

c. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

d. A literal interpretation of the provision of this ordinance would deprive the applicant of right commonly enjoyed by other residents of the district in which the property is located.

e. The special circumstances are not the result of the actions of the applicant.

f. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

g. The variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

Section 10. Appeals.

Any person aggrieved by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this act, or any governing body of a political subdivision which is of the opinion that a decision of such an administrative agency in an improper application of Airport

Zoning Regulations of concern to such governing body or board, may appeal to the Board of Adjustment.

Further appeal action beyond the Board of Adjustment lies with the circuit court of the county in which there is a grievance.

Section 11. Administration of Airport Zoning Regulations.

All airport zoning regulations adopted under this act shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, or other existing agency of the political subdivisions adopting the regulations. The duties of any administrative agency designated pursuant to this act shall include that of hearing and deciding all permits under this act.

Section 12. Administrative Agency.

(1) All airport zoning regulations adopted under this act shall provide for an administrative agency to have and exercise the following powers:

a. To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such agency may be required to pass under such regulations.

b. To authorize in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(2) The agency shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(3) The agency shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created. Meetings of the agency shall be held at the call of the chairman and at such other times as the agency may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the agency shall be public. The agency shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating

such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the agency and shall be a public record.

Section 13. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this act or if any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the political subdivision, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Section 14. Acquisition of Air Rights.

In any case in which:

(1) It is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or

(2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or

(3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such air right, avigation easement, or other estates or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this act. In the case of the purchase of any property or any easement or estate or interest therein or the acquisition of the same by the power of eminent domain the political subdivision making such purchase or exercising such power shall in addition to the damages for the taking, injury or destruction of property also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

Nothing contained in this act shall be construed as authorizing the doing of any act or taking of any property or

right therein without first making just compensation to the owner thereof for such damage for the property taken or the interest therein taken and any other damage to such owner's property not taken.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this act are repealed.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 363

S. 465—Edwards

AN ACT

To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, is hereby amended to read as follows:

"Section 18. The provisions of this Act shall not apply to Clay, Talladega, Conecuh, Wilcox, Baldwin, Lowndes, Sumter, Lawrence or Butler Counties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 364

S. 507—Pearson, Clemon, Vacca, McMillan,
Ellis, Gilmore, Littleton

AN ACT

To name the student union building being built at Lawson State Junior College in Birmingham, Alabama "The Leon Kennedy Building."

WHEREAS, Leon Kennedy, a native of Birmingham, Alabama, received his B. S. degree from Alabama State University, his M. A. degree from Atlanta University, and also holds degrees from both Daniel Payne and Miles colleges; and

WHEREAS, Dr. Kennedy's many positions in educational fields include Principal of Praco High School in 1943 and 1944, Principal of Wenonah High School from 1945 to 1965, Administrative Consultant in the Jefferson County Public School system from 1966 to 1968 and assistant Superintendent in Jefferson County from 1968 to 1971; and

WHEREAS, presently, he is serving as president of Lawson State Junior College, a position he has held since 1971; and

WHEREAS, Leon Kennedy is an outstanding educator who has dedicated all his adult life to the youth of our state, directing their lives to becoming educated, responsible and morally forthright citizens of our state; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. That the student Union building being built at Lawson State Junior College in Birmingham, Alabama is hereby designated "The Leon Kennedy Building."

Section 2. Proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in designating the said student union building as "The Leon Kennedy Building."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 365

S. 407—Mitchell, Powell

AN ACT

Relating to Crenshaw County; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Second Special Session (Acts 1971, p. 4404),

relating to statewide property reappraisal; authorizing the Crenshaw County Commission to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and the evaluation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Crenshaw County Commission shall employ sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and evaluation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 2. The tax assessor shall prescribe the functions, duty and responsibility of such personnel to insure all property is properly appraised, mapped and evaluated in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 3. The tax collector shall collect the cost of this appraisal and mapping program, which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This law shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1977.

Time: 2:00 P.M.

Act No. 366

H.J.R. 447—Andrews

HOUSE JOINT RESOLUTION

COMMENDING ANITA BRYANT FOR THE COURAGE
OF HER CONVICTIONS.

WHEREAS, the Alabama Legislature notes that Anita Bryant, former Miss America and nationally known singer and television personality, helped organize a group called "Save Our Children," formed to protest a Dade County, Florida ordinance which bans discrimination against homosexuals in housing and employment; and

WHEREAS, Miss Bryant, a Southern Baptist, who has written many books with religious themes and has appeared often with the Reverend Billy Graham during his "crusades," believes strongly that our vulnerable children must be protected from exposure to blatant homosexuality and has vowed to continue her fight even at the risk of losing her means of livelihood; and

WHEREAS, members of the "Gay Rights" movement and their leaders have tried to pressure the Florida Citrus Commission, for which Miss Bryant has advertised orange juice since 1968, into taking her ads off the air, and have even talked of a possible boycott of Florida citrus products; and

WHEREAS, Miss Bryant in her firm belief that her children, and ours, must be protected at all costs, continues to fight this very real threat to the spirituality and morality of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Anita Bryant for the active public stand she has taken on this vital issue which threatens to undermine the minds and morals of our children, and highly praise her for the courage she has shown even under threat of the destruction of her career.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Bryant that she may know of our admiration for her great courage.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 367

H.J.R. 455—Lutz, Albright

HOUSE JOINT RESOLUTION

WELCOMING EXCHANGE STUDENTS FROM THE REPUBLIC OF COLOMBIA

WHEREAS, the Alabama Legislature is honored to have in its midst a group of exchange students from the Republic

of Colombia, namely, Pilar Tamara, Reina Mezrahi, Monica Agamez, and Diana Fals; and

WHEREAS, the presence of these young people typifies the warm relations between the United States of America and the Republic of Colombia; and

WHEREAS, there exist many cultural, economic, and social ties between the State of Alabama and the Republic of Colombia:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do extend a warm welcome to our friends from Colombia and do wish them well during their visit in Alabama.

BE IT FURTHER RESOLVED, That we do declare Pilar Tamara, Reina Mezrahi, Monica Agamez, and Diana Fals to be honorary citizens of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Pilar Tamara, Reina Mezrahi, Monica Agamez, and Diana Fals.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 368

H.J.R. 482—Manley, Pegues

HOUSE JOINT RESOLUTION

COMMENDING CHARLES E. RENTZ FOR THIRTY YEARS OF OUTSTANDING SERVICE AS MARENGO COUNTY CIRCUIT CLERK AND A LIFETIME OF INSPIRATIONAL COMMUNITY SERVICE

WHEREAS, Charles E. Rentz was born in Camp Ground, Alabama, on December 23, 1905, with arms extending only to the elbow, his left leg extending only to the knee and his right foot and leg so afflicted that he had no use of it from the knee down, and

WHEREAS, he fashioned a goat-driven cart to carry him the mile to and from school, and learned to swim and ride horses as a youth and became valedictorian of his high school class at Myrtlewood, Alabama, in 1924, and

WHEREAS, after working as a car salesman, insurance agent, bookkeeper and chief clerk of the Linden O.P.A. office, he was elected Circuit Clerk for the Marengo County Circuit Court in 1946 where he served diligently for thirty years be-

fore his retirement in 1976, providing Alabama's judges, attorneys and citizens with expert and efficient assistance in all Circuit Court matters, and

WHEREAS, he has served the Camp Ground United Methodist Church for over 50 years as Sunday School teacher, song leader, and lay leader, and the community as chairman of the Red Cross Drive, Lion's Club President and speaker to numerous civic organizations, and

WHEREAS, as a tribute to his courage and unyielding spirit he was selected an "outstanding personality of the South" and Alabama's Handicapped Citizen of 1971 for which he received the Governor's Award, and

WHEREAS, in recognition of his work with passports he was the first Alabamian to receive the Meritorious Service Award from the United States Department of State, and

WHEREAS, he continues to typify excellence in every pursuit, whether for his family, church, community, state or nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Charles E. Rentz for a lifetime of inspirational service to Alabama and its citizens and direct that a copy of this resolution be sent to him and his lovely wife, Wittie, and one to the Governor's Committee on the Handicapped, so he may know and others may discover the essence of the words that the Apostle Paul spoke and by which Charles E. Rentz has lived, "I can do all things through Christ which strengthenth me."

Approved April 29, 1977.

Time: 2:30 P.M.

A tcNo. 369

H.J.R. 488—Morris

HOUSE JOINT RESOLUTION

Proclaiming ANDY GOTHARD DAY IN ALEXANDER CITY

WHEREAS, Andy Gothard is a native of Alexander City; and

WHEREAS, Andy Gothard completed his elementary and second education by graduating from Benjamin Russell High School; and

WHEREAS, Andy Gothard attended The University of Alabama and while there distinguished himself not only in the field of athletics but also in his academic pursuits; and

WHEREAS, Andy Gothard attended The University without a grant-in-aid scholarship but through effort and determination earned a Southeastern Conference Scholarship at The University;

WHEREAS, Andy Gothard became a member of The University of Alabama's varsity football team as a starter; and further, after three years while at The University he distinguished himself in athletics as well as academic pursuits, having been named to the all academic SEC team; and

WHEREAS, Andy Gothard has brought much dignity, distinction, and honor to the City of Alexander City:

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring, That he be commended for his accomplishments, both on the football field and off, and by so commending name May 9, 1977, as ANDY GOTHARD DAY in the City of Alexander City, Alabama.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 370

H.J.R. 489—McNees

HONORING MRS. MACK KARRH ON HER RETIREMENT AS CHURCH ORGANIST

WHEREAS, the Legislature of Alabama has noted the retirement of Mrs. Mack Karrh as church organist for the Berry Baptist Church, after having served in this capacity for 70 consecutive years, or approximately 3,640 Sundays; she began playing for services in 1906 at the age of twelve years; and

WHEREAS, Mrs. Karrh, the former Lona Olive, daughter of Dr. and Mrs. G. W. Olive, began her musical training in the public schools with later studies at the Birmingham Conservatory of Music; and

WHEREAS, in addition to her duties as organist, Mrs. Karrh has further served her church in many other capacities throughout the years such as Sunday School teacher for some 50 years, a member of the Woman's Missionary Union as well as in many other phases of church work during her membership

of 67 years; she has played for many weddings and funerals and plans to continue serving as Sunday School pianist; and

WHEREAS, Mrs. Karrh is a beloved and much admired member of her community; she has been, and is, a shining example of a loving, generous and contributing citizen of Fayette County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise and commend Mrs. Lona Olive Karrh for 70 years of dedicated and devoted service to her church and community and direct that a copy of this resolution be sent to her as evidence of our high esteem.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 371 H.J.R. 490--Albright, Gregg, Lutz, Starkey,
Smith (B), McNees, Carter,
Narramore, Moore (W)

HOUSE JOINT RESOLUTION

NOTING THE MANY ACCOMPLISHMENTS OF CRIGHT BILLY WALLACE, COMPOSER AND RECORDING STAR.

WHEREAS, the Alabama Legislature notes with pride the many and remarkable accomplishments, in the country music field, of Mr. Cright Billy Wallace of Huntsville, Alabama; and

WHEREAS, this talented composer, who is native of Oklahoma, is the author of such well-known songs as "Back Street Affair," "Don't Throw Your Life Away," "Whose Shoulder Will You Cry On?" "Cheating's a Sin," "Just Got To See You Once More," and "Slave of a Hopeless Love Affair" he is a recording artist for both Decca and Mercury Records, a member of Broadcast Music, Inc. of Nashville, Ole Time Music Club of Canada and a member also of Acuff-Rose, Old Charter, Fer, Hill and Range, and many other publishing companies; and

WHEREAS, he further is widely known for his regular appearances on "Louisiana Hayride," and as a guest star on WSM Grand Ole Opry, WJMW in Athens and the "Big D Jamboree" in Dallas; and

WHEREAS, Cright Billy Wallace has brought fame and honor to Alabama through his numerous contributions as a

talented and productive composer and his recognized status as a recording artist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with his many friends in paying tribute to Cright Billy Wallace of Huntsville; we congratulate him on his tremendously successful career in the country music field and direct that a copy of this resolution be sent to him that he may know of our warm praise and best wishes for continued good fortune in all future endeavors.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 372

H.J.R. 493—Crowe

HOUSE JOINT RESOLUTION

HONORING MRS. LORENE SARTAIN UPON HER RETIREMENT

WHEREAS, the Alabama Legislature has learned that Mrs. Lorene Sartain has announced her retirement as Oakman High School secretary at the end of the 1976-77 school year and

WHEREAS, Mrs. Sartain has been with the Walker County School System for 30 years, having served as secretary at Oakman for the past 20 years; and

WHEREAS, she has served her school and county faithfully and diligently for these many years, always giving generously of her time in tireless and devoted dedication to her duties; and

WHEREAS, she has contributed immeasurably to the betterment of Oakman High as well as to the progress of her community and to the well-being of her fellow Walker County citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Lorene Sartain on her retirement, commend her for outstanding service, and wish her many years of happiness in her retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Sartain that she may know of our warm praise and good wishes.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 373

H.J.R. 494—Crowe

HOUSE JOINT RESOLUTION

COMMENDING MR. GLENN GANT FOR HIS FORTY YEARS OF SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, the Legislature of Alabama has noted the planned retirement of Mr. Glenn Gant, principal of Oakman High School in Walker County; and

WHEREAS, Mr. Gant is, himself, a graduate of Oakman High School, a native of Walker County, who graduated also from the University of Alabama and received his master's degree from Peabody College for Teachers; and

WHEREAS, his entire forty-year career as teacher and principal has been spent in Walker County; he has served as principal at Oakman for four years and prior to that was principal at Dora High School; and

WHEREAS, Mr. Gant has devoted all his adult life-time to the education of our youth; he has conscientiously and tirelessly given generously of his time, interest and resources to the enrichment of young minds and lives, and will be greatly missed by the faculty and students of Oakman High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mr. Glenn Gant for meritorious service as an outstanding educator; we wish him continued success in all future pursuits, and direct that a copy of this resolution be sent to him as a token of our esteem.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 374

H.J.R. 495—Crowe

HOUSE JOINT RESOLUTION

NOTING THE RETIREMENT OF MRS. GERALDINE GANT.

WHEREAS, Mrs. Geraldine Gant, who has announced her retirement as teacher at Oakman High School, was among those honored recently with a retirement tea given by her fellow faculty members and staff at Oakman High; and

WHEREAS, Mrs. Gant, who is a native of Walker County and also a graduate of Oakman High School, has served as teacher in the Walker County School System for 31 years; she presently teaches both junior and senior high school English; and

WHEREAS, in addition to her demanding duties as a teacher, Mrs. Gant also is active in many civic and community affairs throughout the county; both professionally and as a citizen she has contributed invaluable to the enrichment of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our sincere appreciation for the innumerable and outstanding contributions by Mrs. Geraldine Gant to her chosen field, and direct that a copy of this resolution be sent to her that she may know of our warm feelings and high praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 375

H.J.R. 496—Crowe

HOUSE JOINT RESOLUTION

COMMENDING MR. WILLIAM L. HYDE UPON HIS RETIREMENT.

WHEREAS, the Legislature of Alabama has learned of the planned retirement of Mr. William L. Hyde, vocational agribusiness instructor at Oakman High School, Oakman, Alabama; and

WHEREAS, Mr. Hyde, a native of Winston County, has devoted twenty-seven years to the teaching profession with the past twenty-five of those years as a faculty member of Oakman High School; and

WHEREAS, his long years of service to the youth of Walker County have served as an inspiration and imitable example to those aspiring to the teaching profession; he is a dedicated educator who has challenged many young students to significant heights of achievement both during their school years and in later life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. William L. Hyde for meritorious service to the Walker County School System, wish him every success in all future endeavors, and direct that a copy of this resolution be sent to him as evidence of our appreciation.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 376

H.J.R. 500—Holmes (A)

HOUSE JOINT RESOLUTION

COMMENDING REVEREND THOMAS E. JORDAN.

WHEREAS, Reverend Thomas E. Jordan is pastor of the Lilly Baptist Church of Montgomery; and

WHEREAS, the life style of Reverend Thomas E. Jordan inspires other to live up to the Christian ideals he proclaims; and

WHEREAS, Reverend Thomas E. Jordan has consistently displayed selfless devotion in service to his church and his community; and

WHEREAS, Reverend Thomas E. Jordan has contributed much to his community and has never shunned responsibility but rather spearheaded numerous and worthwhile endeavors in religious and civic affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Reverend Thomas E. Jordan, pastor of the Lilly Baptist Church of Montgomery, for his tireless efforts in many spheres of activity.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Reverend Thomas E. Jordan.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 377

H.J.R. 501—Holmes (A)

COMMENDING REVEREND EDWARD MARTIN.

WHEREAS, Reverend Edward Martin serves as pastor of the Bethel Baptist Church of Montgomery; and

WHEREAS, Reverend Edward Martin exhibits those admirable attributes of concern for his fellowman, friendliness and devotion to God and duty; and

WHEREAS, his deep religious convictions, optimistic outlook and warm personality serve as an inspiration to all with whom he comes in contact; and

WHEREAS, Reverend Edward Martin has unselfishly given of his time and energy in social, political, religious and civic affairs to better his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Reverend Edward Martin, pastor of the Bethel Baptist Church of Montgomery, for his devotion to his church and his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Reverend Edward Martin.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 378

H.J.R. 502—Holmes (A)

COMMENDING MAYOR ANDREW HAYDEN OF UNIONTOWN.

WHEREAS, Andrew Hayden served admirably during his first term as Mayor of Uniontown; and

WHEREAS, Andrew Hayden is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to the people of Uniontown; and

WHEREAS, Andrew Hayden has contributed greatly to religious, civic, social and political affairs in Uniontown and Perry County; and

WHEREAS, Andrew Hayden has given much time and energy in his work with voter registration in Uniontown; and

WHEREAS, Andrew Hayden has been elected to a second term as Mayor of Uniontown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mayor Andrew Hayden of Uniontown and wish him much success during his second term.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Andrew Hayden in recognition of his diligent service.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 379

H.J.R. 504—Robertson

HOUSE JOINT RESOLUTION

COMMENDING PRESIDENT CARTER FOR HIS DECISION TO CONTINUE THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.

WHEREAS, the Tennessee-Tombigbee Waterway Development Project has tremendous revenue potential for the State of Alabama, projected at more than seven billion dollars by the year 2000; and

WHEREAS, this project will create more than fifty-four thousand jobs in Alabama during the next twenty-five years;

WHEREAS, the Tennessee-Tombigbee Waterway Development Project is of crucial importance to the economic and social well-being of not only Alabama but also the entire nation; and

WHEREAS, the legislature of Alabama fully believes that the many economic benefits of this project will be manifest in the immediate future as well as during the course of many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend President Carter for his decision to continue the Tennessee-Tombigbee Waterway Development Project.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 380

H.J.R. 506—Whatley, Turnham

HOUSE JOINT RESOLUTION

PRAISING THE COURAGE OF MRS. ARLENE LOWE AND COMMENDING HER ON BEING ELECTED ALABAMA FARM BUREAU WOMEN'S COMMITTEE CHAIRMAN.

WHEREAS, Mrs. Arlene Lowe of Seven Oaks Farm in Salem, Alabama, is a victim of amyotrophic lateral sclerosis, commonly known as Lou Gehrig's disease, which causes progressive paralysis whereby the motor nerve cells of the nervous system can cease functioning; and

WHEREAS, despite the overwhelming difficulties she endures as a victim of this tragically disabling disease, Mrs. Lowe has shown awesome courage and great fortitude in refusing to give in to the ravages of pain and disability; and

WHEREAS, she is the newly elected Alabama Farm Bureau Women's Committee Chairman, having begun her work as a Farm Bureau Women's leader as Lee County Chairman; during her 10 year tenure she instigated the first Lee County Farm City Banquet, coordinated it for the next nine years, and, during this time, she received the first Alabama Rural Clean-up Silver Trophy proposed by Governor Lurleen Wallace in 1968; and

WHEREAS, she worked her way through the ranks of the State Women's Committee and was elected chairman in November, 1976; she attended the annual meeting in Hawaii and also the Farm Bureau's Multi-State Workshop in Charleston, North Carolina; and

WHEREAS, further, Arlene Lowe is a charter member of the Amyotrophic Lateral Sclerosis Society of America which has developed a national case registry to identify, locate and register all ALS patients throughout the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously applaud the courage exemplified by Mrs. Arlene Lowe of Salem, Alabama; we commend and praise her as an outstanding Farm Bureau women's leader and direct that a copy of this resolution be sent to her and her husband, Roy Lowe, as evidence of our deep respect and high esteem.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 381

H.J.R. 507—Cooper

HOUSE JOINT RESOLUTION

COMMENDING CHARLIE PIERCE, CHAIRMAN OF THE BOARD, BIRMINGHAM OPPORTUNITIES INDUSTRIALIZATION CENTER

WHEREAS, Mr. Charlie Pierce of Birmingham, Alabama is Chairman of the Board of the Birmingham Opportunities Industrialization Center and, in this capacity, has contributed immeasurably to the promotion and furtherance of the purposes and aims of this valuable program; and

WHEREAS, the Opportunities Industrialization Center is recognized as an asset to the City of Birmingham, associating themselves for the purpose of motivating, training, developing and utilizing the skills of the disadvantaged of Birmingham and, through these efforts, enable the "unemployables" to become productive and working citizens, thereby easing the local unemployment problem; and

WHEREAS, it is the goal of this organization to expand their training areas even further by offering instruction in vocational skills to the unskilled and unemployed, and Mr. Pierce, as board chairman, is working diligently to this end; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mr. Charles Pierce for his active interest and dedicated work in bettering the programs of the Birmingham Industrialization Center.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Pierce as a token of our esteem.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 382

H.J.R. 508—Cooper

HOUSE JOINT RESOLUTION

VOICING OUR APPRECIATION TO MR. DAVID HERRING OF BIRMINGHAM, ALABAMA

WHEREAS, Mr. David Herring, Birmingham City Councilman, serves as a member of the Birmingham Area Manpower Consortium which is responsible for the dispersement of fed-

erally provided funds to organizations and programs which qualify as to need and importance; and

WHEREAS, one such program considered by the Birmingham Area Manpower Consortium to be worthy of funding, based on such qualifications, is the Birmingham Opportunities Industrialization Center; and

WHEREAS, the Opportunities Industrialization Center is recognized as an asset to the City of Birmingham, associating themselves for the purpose of motivating, training, developing and utilizing the skills of the disadvantaged of Birmingham and, through these efforts, enable the "unemployables" to become productive and working citizens, thereby easing the local unemployment problem; and

WHEREAS, it is the goal of this organization to further expand their training areas to include instruction in vocational skills to the unskilled and unemployed; also to assist those trained in finding jobs upon completion of the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our sincere appreciation to Mr. David Herring, member of the Birmingham Area Manpower Consortium, for the interest he has shown in OIC and for his part in funding this program of such vital importance to the Birmingham area.

BE IT FURTHER RESOLVED, That Mr. Herring be provided with a copy of this resolution as a token of our appreciation and praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 383

H.J.R. 509—Cooper

HOUSE JOINT RESOLUTION

VOICING OUR APPRECIATION TO MR. BEN ERDREICH OF BIRMINGHAM, ALABAMA

WHEREAS, Mr. Ben Erdreich, as a representative of Jefferson County, serves as a member of the Birmingham Area Manpower Consortium which is responsible for the disbursement of federally provided funds to organizations and programs which qualify as to need and importance; and

WHEREAS, one such program considered by the Birmingham Area Manpower Consortium to be worthy of funding,

based on such qualifications, is the Birmingham Opportunities Industrialization Center; and

WHEREAS, the Opportunities Industrialization Center is recognized as an asset to the City of Birmingham, associating themselves for the purpose of motivating, training, developing and utilizing the skills of the disadvantaged of Birmingham and, through these efforts, enable the "unemployables" to become productive and working citizens, thereby easing the local unemployment problem; and

WHEREAS, it is the goal of this organization to further expand their training areas to include instruction in vocational skills to the unskilled and unemployed; also to assist those trained in finding jobs upon completion of the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our sincere appreciation to Mr. Ben Erdreich, member of the Birmingham Area Manpower Consortium, for the interest he has shown in OIC and for his part in funding this program of such vital importance to the Birmingham area.

BE IT FURTHER RESOLVED, That Mr. Erdreich be provided with a copy of this resolution as a token of our appreciation and praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 384

H.J.R. 510—Cooper

HOUSE JOINT RESOLUTION

VOICING OUR APPRECIATION TO MAYOR DAVID VANN OF BIRMINGHAM, ALABAMA

WHEREAS, Mayor David Vann of Birmingham serves as a member of the Birmingham Area Manpower Consortium which is responsible for the dispersement of federally provided funds to organizations and programs which qualify as to need and importance; and

WHEREAS, one such program considered by the Birmingham Area Manpower Consortium to be worthy of funding, based on such qualifications, is the Birmingham Opportunities Industrialization Center; and

WHEREAS, the Opportunities Industrialization Center is

recognized as an asset to the City of Birmingham, associating themselves for the purpose of motivating, training, developing and utilizing the skills of the disadvantaged of Birmingham and, through these efforts, enable the "unemployables" to become productive and working citizens, thereby easing the local unemployment problem; and

WHEREAS, it is the goal of this organization to further expand their training areas to include instruction in vocational skills to the unskilled and unemployed; also to assist those trained in finding jobs upon completion of the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our sincere appreciation to Mayor David Vann, member of the Birmingham Area Manpower Consortium, for the interest he has shown in OIC and for his part in funding this program of such vital importance to the Birmingham area.

BE IT FURTHER RESOLVED, That Mayor Vann be provided with a copy of this resolution as a token of our appreciation and praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 385

H.J.R. 511—Cooper

HOUSE JOINT RESOLUTION

VOICING OUR APPRECIATION TO DR. RICHARD ARRINGTON OF BIRMINGHAM, ALABAMA

WHEREBY, Dr. Richard Arrington, Birmingham City Councilman, serves as a member of the Birmingham Area Manpower Consortium which is responsible for the dispersement of federally provided funds to organizations and programs which qualify as to need and importance; and

WHEREAS, one such program considered by the Birmingham Area Manpower Consortium to be worthy of funding, based on such qualifications, is the Birmingham Opportunities Industrialization Center; and

WHEREAS, the Opportunities Industrialization Center is recognized as an asset to the City of Birmingham, associating themselves for the purpose of motivating, training, developing and utilizing the skills of the disadvantaged of Birmingham and,

through these efforts, enable the "unemployables" to become productive and working citizens, thereby easing the local unemployment problems; and

WHEREAS, it is the goal of this organization to further expand their training areas to include instruction in vocational skills to the unskilled and unemployed; also to assist those trained in finding jobs upon completion of the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our sincere appreciation to Dr. Richard Arrington, member of the Birmingham Area Manpower Consortium, for the interest he has shown in OIC and for his part in funding this program of such vital importance to the Birmingham area.

BE IT FURTHER RESOLVED, That Dr. Arrington be provided with a copy of this resolution as a token of our appreciation and praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 386

H.J.R. 513—Whatley

HOUSE JOINT RESOLUTION

COMMENDING BILL DOZIER FOR EXHIBITING THE GRAND CHAMPION STEER OF THE 1977 MONTGOMERY STATE STEER SHOW

WHEREAS, the Alabama Legislature has noted that the Grand Champion Steer of the 1977 Montgomery State Steer Show was exhibited by Bill Dozier, ten-year old Lee County 4-H Club member; and

WHEREAS, this 1,180 pound champion steer, sired by a Charolais bull and from a Hereford-Angus cow, was purchased by W. S. "Billy" Newman of Circle N Ranch, Montgomery, Alabama, for \$3.00 per pound;

WHEREAS, young Bill Dozier is to be commended for his active participation in the praiseworthy projects of the 4-H Club program, and, also, for his mature acceptance at such a young age, of the responsibilities entailed in the raising and showing of a champion steer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we do highly commend Bill Dozier, exhibitor of the 1977 Grand Champion Steer, and direct that he be sent a copy of this resolution so that he may know of our warm praise.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 387

H.J.R. 109—Killian

HOUSE JOINT RESOLUTION

CREATING A PERMANENT ADVISORY COMMISSION KNOWN AS THE DEKALB COUNTY ROAD AND BRIDGE ADVISORY BOARD TO DEVELOP PLANS FOR ROAD IMPROVEMENTS IN DEKALB COUNTY.

WHEREAS, DeKalb County is a densely populated rural area which has more road mileage than any other county in the State of Alabama, excepting Jefferson County; and

WHEREAS, more than one-half of the roads in DeKalb County are unpaved; and

WHEREAS, due to many factors, the roads of DeKalb County are in great state of disrepair causing great inconvenience and problems for the citizens of this county; and

WHEREAS, there is an urgent need for developing plans for the betterment of roads in DeKalb County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent advisory commission known as the DeKalb County Road and Bridge Advisory Board to develop plans for the betterment of roads in DeKalb County. Such board shall be composed of two (2) persons from each of the four commission districts of DeKalb County, two (2) employees or former employees of the State Highway Department, one (1) engineer, one (1) attorney, one (1) rural mail carrier and one (1) school bus driver. All members of said board shall be appointed jointly by the members of the DeKalb County Legislative Delegation. Such members shall serve without compensation.

The board herein created will be charged with the responsibility of making recommendations on how to improve the overall road program in DeKalb County, including developing both short and long range plans for road development, studying revenue and grant possibilities from all sources, analyzing va-

rious methods for more effective use of available revenues, and, in general, advising the DeKalb County Legislative Delegation in all matters relative to improvement of the road program in said County.

Said board shall, upon its first meeting, and any meeting thereafter, promulgate rules and procedures for conducting its business. Such board shall elect officers from among its members including a chairman, vice chairman, and secretary.

Board meetings shall be held at least once quarterly at a time and place designated by the chairman and on such other occasions as the board shall deem necessary. Following each meeting the secretary of said board shall submit a written report to the members of the DeKalb County Legislative Delegation and to the chief engineer of the State Highway Department in DeKalb County, Alabama.

The DeKalb County Commission is hereby authorized, but not required, to provide mapping equipment, office supplies, and a meeting place for the DeKalb County Road and Bridge Advisory Board.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 388

H.J.R. 390—Starkey

HOUSE JOINT RESOLUTION

NAMING A SECTION OF STATE HIGHWAY 40 "RED BUD DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of State Highway 40 in Jackson County from State Highway 35 to the top of Sand Mountain, "Red Bud Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of State Highway 40.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 389

H.J.R. 428—Holmes (D)

HOUSE JOINT RESOLUTION

URGING THE DEPARTMENT OF REVENUE TO PROVIDE A TOLL-FREE NUMBER FOR CITIZENS OF THE STATE OF ALABAMA TO CALL FOR STATE INCOME TAX INFORMATION AND ADVICE.

WHEREAS, tax regulations are complex and ever-changing; and

WHEREAS, there is a great need among taxpayers for accurate, up-to-date information concerning state income tax; and

WHEREAS, citizens of the State of Alabama currently have little access to such information; and

WHEREAS, the State of Alabama is responsible for providing service and assistance to its citizens; and

WHEREAS, the Internal Revenue Service provides a toll-free telephone service to help in the preparation of federal income tax returns; and

WHEREAS, a tremendous need exists for a similar service for state income tax; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Department of Revenue to establish and maintain the service of a toll-free number for citizens of the State of Alabama to call for state income tax information and advice.

BE IT FURTHER RESOLVED, That such a service be provided without the necessity of additional funds and be established and ready for use in time for 1977 state income tax returns.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 390

S.J.R. 314—Mims, Fine

SENATE JOINT RESOLUTION

MEMORIALIZING THE UNITED STATES CONGRESS TO REQUIRE BY LEGISLATION THAT ALL BEEF BE LABELED AS TO ORIGIN.

WHEREAS, the Legislature of Alabama, in its knowledge that billions of pounds of beef are imported annually into the United States for domestic consumption, feels strongly that such beef imports are compounding the problems that are facing this country's beef producers, with such competition forcing many cattlemen out of the beef business; and

WHEREAS, we are aware further that presently, the American Consumer has no way of knowing beef being sold is domestic or imported beef and thus is being denied basic information to which the consumer is entitled; and

WHEREAS, we believe that legislation requiring the labeling of beef as either "domestic beef" or "imported beef" would serve to alleviate somewhat the overall financial problems now facing the beef producers of this country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the Congress of the United States to take action immediately toward introducing and enacting the legislation necessary to require that all beef be labeled as either "domestic beef" or "imported beef."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Alabama Congressional Delegation.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 391

H.J.R. 521—Plaster

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JULIUS THOMAS VENABLE

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the recent death of Julius Thomas Venable of Santuck in Elmore County, Alabama and

WHEREAS, this body is aware that Mr. Venable was a long-time political and civic leader in Elmore County, serving as a Democratic Beat Committeeman. Mr. Venable also contributed immeasurably to the enrichment and betterment of his community; and

WHEREAS, Julius Thomas Venable was a man who gained

the respect and fond feelings of all those who knew him, he will be long remembered and sadly missed by his family and many friends;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn and regret the recent death of Julius Thomas Venable and express our deep and heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 392

H.J.R. 530—Quarles

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF MICHAEL CORBIN

WHEREAS, the Legislature of Alabama, regretfully and with a sense of deep shock, has learned of the death of young Michael Corbin who was killed April 12, 1977 in an unfortunate highway accident in St. Clair County; and

WHEREAS, Michael, who at the time of his death was only five years old, was the beloved son of Billy and Darlene Corbin and the grandson of Mr. and Mrs. Joel Wood of Ashville, Alabama; he was a loving and giving young boy, whose early childhood already showed the unquestionable promise, in later years, of the admirable qualities of kindness, generosity and concern for others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of young Michael Corbin; we express our deep and sincere sympathy to his entire family, and direct that a copy of this resolution be sent to his parents, Billy and Darlene Corbin, that they may know of our abiding concern for them in their time of sorrow.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 393

H.J.R. 531—Quarles

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATHS OF DIANE MCBROOMS COOK AND HER SON, CHRIS.

WHEREAS, the Alabama Legislature was deeply shocked and saddened to learn of the untimely deaths of Diane McBrooms Cook and her son, Chris, of Ashville, Alabama, who were killed in a tragic highway collision in St. Clair County on April 12, 1977; and

WHEREAS, Diane Cook, a member of a prominent St. Clair County family, was a highly respected and beloved member of her community who, during her short lifetime of only 26 years, had given generously of her time and concern in unselfish service to others; she was a member of the Baptist Church and had devoted countless hours to the work of her church as well as to other civic and religious affairs of St. Clair County; and

WHEREAS, young Chris Cook was only six years old at the time of his death, yet already had joined the church, having made his decision of faith and trust, and had dedicated his young life to one of Christian service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the tragic death of Diane and Chris Cook, and extend our most heartfelt sympathy to their family and friends.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Bobby Cook of Ashville, Alabama that he may know of our deep sorrow in the death of his wife, Diane, and young son, Chris.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 394

H.J.R. 535—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, we adjourn to meet again on Wednesday, April 27; when we adjourn on Wednesday, April 27, we adjourn to meet again on Thursday, April 28; and when we adjourn on Thursday, April 28, we adjourn to meet again on Tues-

day, May 3; when we adjourn on Tuesday, May 3, we adjourn to meet again on Wednesday, May 4; and when we adjourn on Wednesday, May 4, we adjourn to meet again on Monday, May 16; when we adjourn on Monday, May 16, we adjourn sine die.

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 395

H.J.R. 536—Mitchem, Drake, Folmar

HOUSE JOINT RESOLUTION

“Declaring the Week of May 8-14 Alabama Poultry Products Week”

WHEREAS, the poultry industry is Alabama’s largest food industry, accounty for approximately 37 per cent of the total farm income in Alabama; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks fifth in egg production, having produced 2.90 billion eggs in 1976 and 400 million broilers; and

WHEREAS, poultry and eggs can be purchased by Alabamians at reasonable prices; and

WHEREAS, J. P. Garvin, Jr. of Albertville, Alabama, a member of the Alabama Poultry Hall of Fame, has served with distinction and honor as president of the Alabama Poultry and Egg Association;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the week of May 8-14 is hereby declared to be “ALABAMA POULTRY PRODUCTS WEEK.”

Approved April 29, 1977.

Time: 2:30 P.M.

Act No. 396

S.J.R 311—Baker

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE W. J. HARALSON.

WHEREAS, the legislature of Alabama has learned with a sense of loss and deep regret of the death of Judge W. J.

Haralson of Fort Payne, Alabama, on February 28, 1977; and

WHEREAS, Judge Haralson, son of the late Judge William Wallace Haralson and Fannie Campbell Haralson, attended school in Fort Payne and graduate from Marion Military Institute and the University of Alabama; he was a graduate of the Cumberland School of Law, Lebanon, Tennessee, in 1926, entered the practice of law with his father in 1927, and, in 1936 was elected Judge of DeKalb Court, serving one four-year term; and

WHEREAS, in 1940 he was elected Judge of the Ninth Judicial Circuit, as were both his father and grandfather before him, and served in this capacity for five consecutive terms, a total of 30 years, before being assigned by Chief Justice Howard Heflin to the Alabama Court of Criminal Appeals where he wrote over one hundred appellate opinions during his first tenure; he returned in 1975 to serve the Ninth Circuit as Supernumerary Judge, was appointed in 1976 to the Special Alabama Supreme Court, following the recusal of the nine members of this court, and, at the time of his death, had been reappointed to the Court of Criminal Appeals; and

WHEREAS, Judge Haralson, with dedication and deep devotion to the law, further served his profession as President of the Alabama Circuit Judges Association in 1944-45; he was instrumental in organizing the law library for DeKalb County and, well-liked and highly respected by his fellow members of the bar, he also served as an inspiring example to many young attorneys who always sought "The Judge's" advice when in need of sound reasoning and wise counsel; and

WHEREAS, he was an active and deeply involved, lifelong member of the First Presbyterian Church of Fort Payne, was an elder for almost 40 years and, also, a member of the Board of Trustees of the North Alabama Presbytery; he was a mason and a charter member of the Fort Payne Lions Club; and

WHEREAS, Judge Haralson, highly regarded in his community and respected statewide for his judicial acumen, was a devoted husband and father, a kind and gently man who was beloved of family and countless friends and will be long remembered and sorely missed by all those whose lives he touched; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn and regret the death of this fine Christian man, Judge W. J. Haralson, and extend our sincere sympathy to his wife, Mrs. LeDelle Hawkins Haralson; his daughter, Mrs. James R. Bratton of Houston, Texas; his son, William Wallace Haral-

son of Scottsboro; and other family members to whom copies of this resolution shall be sent.

Approved April 29, 1977.

Time: 1:45 P.M.

Act No. 397

H. 489—Merrill

AN ACT

To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated in addition to all other appropriations heretofore or hereafter made the following:

- (a) Board of Corrections:
For payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails 2,500,000
- (b) Department of Public Safety:
For operations of the department 500,000
- (c) State General Fund:
For transfer to the State General Fund for the purpose of paying interest on any General Obligation Bonds due and payable from the State General Fund 600,000
- (d) Department of Conservation and Natural Resources—Parks Division. For Operations 500,000
- (e) Board of Corrections:
For payment of expenses incurred in the search for and apprehension of state prisoners who escaped from state penal institutions \$100,000

Section 2. The above appropriations shall be paid from the Antirecession Trust Fund as provided by the Federal Public Works Employment Act of 1976.

Section 3. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 398

H. 948—Gafford

AN ACT

Relating to counties with populations of not less than 600,000; to authorize and direct the establishment of a permanent list of absentee voters for physically incapacitated electors.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be effective only in counties having a population of not less than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The board of registrars of the county is hereby authorized and directed to establish a permanent list of absentee voters who are physically incapacitated. Any elector of the county with a permanent physical disability shall, upon application accompanied by a signed certificate of a physician attesting to his disability, have his name and address placed on the list, and it shall remain thereon until such time as he ceases to be physically incapacitated or until he ceases to be a qualified elector of the county. The board of registrars shall, not less than 30 days before each election, supply such list to the registrar or absentee election manager or such other officer responsible for administering the absentee voting laws, and such officer shall mail an absentee ballot to each person on the list without further application being made.

Section 3. The board of registrars shall examine the absentee voters list prior to each election and purge the name of any person who has ceased to be a qualified elector or who has been certified by a physician to be no longer physically disabled.

Section 4. All applications and certificates filed under this act shall be kept on file by the board of registrars until three years after the person submitting such is removed from the absentee voters list.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:45 P.M.

Act No. 399

H. 949—Gafford

AN ACT

Relating to counties having populations of not less than 600,000; to provide that no person shall be registered as an elector within 21 days prior to an election.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be effective only in counties having a population of not less than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. No person shall be registered by the board of registrars as an elector within 21 days prior to an election.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:45 P.M.

Act No. 400

H. 1174—Hill, Greer, Coburn

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Florence, in Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Florence in Lauderdale County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

A tract or parcel of land lying and being in the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, and in the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, all in Section 25, Township 2 South, Range 11 West, in Lauderdale County, Alabama, described as beginning at the Northwest corner of the Northeast $\frac{1}{4}$ of said Section 25; thence South $0^{\circ} 25'$ East a distance of 885 feet along the West line of said Northeast $\frac{1}{4}$; thence South $89^{\circ} 10'$ West a distance of 495 feet to a point on Mars Hill Road; thence South $0^{\circ} 25'$ East a distance of 1775 feet to a point on the South line of the Northwest $\frac{1}{4}$ of said Section 25; thence South $89^{\circ} 10'$ West a distance of 816 feet along said line; thence South $0^{\circ} 27'$ East a distance of 687 feet more or less to the North line of CREEKWOOD SUBDIVISION, as recorded in the office of the Judge of Probate of said County in Plat Book 4 at Page 121; thence North $89^{\circ} 17'$ East a distance of 1320 feet more or less along the North line of said subdivision to the West boundary of Mrs. R. M. Blalock tract; thence North $1^{\circ} 12'$ West a distance of 690 feet more or less along the West line of said Blalock tract to the Northeast corner of said Southwest $\frac{1}{4}$; thence North $89^{\circ} 10'$ East along the South line of the Northeast $\frac{1}{4}$ of Section 25 a distance of 1155 feet more or less to the Southwest corner of the Mary Buffler tract; thence North $0^{\circ} 25'$ West along the West line of Mary Buffler tract a distance of 2640 feet more or less to a point on the North line of the Northeast $\frac{1}{4}$ of said Section 25; thence South $89^{\circ} 10'$ West along the North line of said Section 25 a distance of 1155 feet more or less to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 401

H. 1258—Williams, Sasser

AN ACT

To alter or rearrange the boundary lines of the Town of Level

Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Level Plains, Dale County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Level Plains, and in addition thereto the following described territory, to-wit:

A parcel of land located in Dale County, Alabama and being more particularly described as follows: Beginning at the North-east corner of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 29, T4N, R23E; thence in a southerly direction along the east line 2640 feet, more or less, to the southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence continue in a southerly direction along the east line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 32, for a distance of 1180 feet, more or less, to the North right-of-way of Dale County Road S-980-1; thence in a northwesterly direction along the North right-of-way of said Road 100 feet to a point; thence in a northerly direction and parallel to the east line 200 feet to a point; thence in a northerly direction and parallel to the east line 3494 feet, more or less, to the north line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 29, T4N, R 23E; thence in an easterly direction along the North line of said forty 200 feet to the Point of Beginning. Said property line being located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 29, T4N, R23E, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 32, T4N, R23E, Dale County, Alabama.

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 402

S. 664—Mitchell

AN ACT

To provide an additional clerk hire allowance for the probate judge in all counties having a population of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all

counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge in any county to which this act applies shall receive a clerk hire allowance of \$1,200 per annum, payable in equal monthly installments from such county general fund. This sum shall be in addition to any and all other compensation and salary provided for by law.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall have retroactive effect to January 1, 1977.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 403

S. 665—Mitchell

AN ACT

Relating to counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, establishing regular meeting dates for the county governing bodies of such counties, and providing reeroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, and providing retroactive effects.

Section 2. The county governing body of any county to which this act applies shall hold its regular meetings on the second and fourth Monday of each month; any conflicting law, or by-law or resolution of any county governing body to the contrary, notwithstanding.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective retroactively to March 14, 1977.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 404

S. 717—Higginbotham

AN ACT

To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Russell County to the list of counties to which the Act does not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 18 of Act No. 403, H. 330, 1971 Regular Session, (Acts 1971, p. 689), is hereby amended to read as follows:

"Section 18. The provisions of this Act shall not apply to Clay, Talladega, Conecuh, Wilcox, Baldwin, Lowndes, Sumter Butler or Russell Counties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 405

H.J.R. 547—Lutz, Riddick

HOUSE JOINT RESOLUTION

COMMENDING THE GRISSOM HIGH SCHOOL KEY CLUB ON ITS OUTSTANDING ACCOMPLISHMENTS

WHEREAS, the Grissom High School Key Club, consists of approximately 230 young men; and

WHEREAS, Ray Reynolds has served as sponsor of said club since it was organized in 1969; and

WHEREAS, the Grissom High School Key Club has made significant contributions to its community and especially to the Alabama Sheriffs' Boys Ranch; and

WHEREAS, the Grissom High School Key Club has been designated the best Key Club in Alabama for four successive years and has received the first place award in achievement at the International Key Club Convention for the past two years; and

WHEREAS, the members of the Grissom Key Club have furnished invaluable leadership to the students of Grissom High School; and

WHEREAS, many former Key Club members from Grissom High School have, after graduation, continued their community service through Circle K and Kiwanis Club affairs and other civic activities; and

WHEREAS, the Grissom Key Club exemplifies the finest qualities in American young people, and the Alabama Legislature does desire to express its pride in and appreciation to that organization, its members and its sponsor, Ray Reynolds; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING; That we do commend and congratulate the Grissom High School Key Club on its many outstanding accomplishments and do wish the club and each of its individual members well in their future endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Grissom High School Key Club, Grissom High School, Ray Reynolds and The Huntsville Kiwanis Club.

Approved May 2, 1977.

Time: 5:30 P.M.

Act No. 406

H.J.R. 466—Crowe, McCorquodale

HOUSE JOINT RESOLUTION

RECOMMENDING THAT THE PAYMENT OF EXPENSES OF STATE OFFICERS AND EMPLOYEES AND PERSONS TRAVELING ON OFFICIAL BUSINESS FOR THE STATE OR ANY OF ITS DEPARTMENTS, INSTITUTIONS, BOARDS, BUREAUS, COMMISSIONS, COUNCILS, COMMITTEES, AND OTHER LIKE AGENCIES, BE INCREASED TO \$25.00 PER DAY.

WHEREAS the Legislature of Alabama in the Fourth Special Session, 1975, passed Act No. 131 authorizing an increase in the travel allowance to a maximum of not more than twenty-five dollars per day for all state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies with the exemption of state legislators from the maximum, and

WHEREAS the travel allowance remains at twenty dollars per day, and

WHEREAS it has become difficult to the point of being

impossible to subsist on a travel allowance of twenty dollars per day; now therefore,

BE IT RESOLVED that the Governor of the State of Alabama is respectfully requested to increase the travel allowance of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees and other like agencies to twenty-five dollars per day with state legislators exempted from the maximum.

Approved May 3, 1977.

Time: 4:50 P.M.

Act No. 407

H. 1143—Armstrong, Howard

AN ACT

To set the salaries of the President of the Commission or Board of Commissioners of the City of Bessemer and the members of such Commission or Board other than the President and to provide the method of payment.

Be It Enacted by the Legislature of Alabama:

Section 1. The President of the Commission or Board of Commissioners of the City of Bessemer, Alabama, shall receive an annual salary of \$25,000.00 payable in equal semimonthly installments at the 1st and 15th of each month, and each member of such commission or board other than the president shall receive an annual salary of \$18,000.00 payable in equal semimonthly installments at the 1st and 15th day of each month, said installments to be paid at the same rate for any portion of the month during which the president or other member of such commission or board shall hold office at the rate above provided.

Section 2. The President of the Commission or Board of Commissioners, for his service as Supervisor of the Bessemer Electric Service and the Bessemer Water Service, as a part of the salary provided for in Section 1 above and not in addition thereto, shall be paid an annual salary of \$6,000.00 to be paid to him by the Bessemer Electric Service and an annual salary of \$6,000.00 to be paid to him by the Bessemer Water Service payable out of the available funds of each said system in equal semimonthly installments at the 1st and 15th of each month.

Section 3. This Act shall become effective on the first Monday in October, 1978, after its passage and approval by the Governor and its otherwise becoming a law.

Approved May 3, 1977.

Time: 4:45 P.M.

Act No. 408

S. 264—Mitchell, McMillan, Pearson

AN ACT

To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Be It Enacted by the Legislature of Alabama:

Section 1. SCOPE OF ACT. Except as provided in Section 40 this Act shall apply to domestic life, disability, and burial insurers only.

Section 2. DEFINITIONS. As used in this Act, the following terms shall have the respective meanings herein set forth, unless the context shall otherwise require:

(1) "Alabama Insurance Code" shall mean Act No. 407 of the 1971 Alabama Legislature, approved August 25, 1971.

(2) "Insurer" shall have the meaning ascribed in Section 3 of the Alabama Insurance Code, but as used herein shall apply only to domestic insurers engaged in whole or in part in the life, disability, or burial insurance business.

(3) "Person" shall have the meaning ascribed in Section 4 of the Alabama Insurance Code.

(4) The words "Commissioner" and "Department" respectively, shall have the meanings ascribed in Section 5 of the Alabama Insurance Code.

(5) "Investment" shall mean any asset owned by an insurer.

(6) "Eligible investment" shall mean any investment permitted by Sections 7 through 35 of this Act, provided the investment meets all the other requirements of this Act.

(7) "Domestic", "foreign", and "alien" insurer shall have the meanings ascribed in Section 6 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

(8) "Admitted asset" shall mean any asset of an insurer permitted by the Commissioner of Insurance to be taken into account in any determination of the financial condition of such insurer.

Section 3. ELIGIBLE INVESTMENTS.

(1) Only eligible investments may be counted as admitted assets.

(2) Every investment lawfully held by an insurer on the effective date of this Act and every investment which the insurer became obligated to make prior to the effective date of this Act, which was a lawful investment for such insurer at the time made or at the time the insurer became obligated to make it, shall be an eligible investment.

(3) The insurer shall within 90 days after the effective date of this Act file with the Commissioner a written statement certified by its treasurer or chief investment officer, listing in such manner as to readily identify the same, all such investments or obligations for investments not otherwise eligible under this Act, identifying each such investment, and stating the terms and conditions of acquisition or proposed acquisition thereof.

(4) Eligibility of an investment shall be determined as of the date of its making or acquisition, except in subsection (2) of this Section.

(5) Any investment limitation based upon the amount of the insurer's assets or particular funds shall relate to the value of such assets or funds as shown by the insurer's annual statement as of December 31 next preceding the date of the investment by the insurer, or as shown by a current financial statement filed with and accepted as to content in writing by the Commissioner.

Section 4. GENERAL QUALIFICATIONS. No investment (other than in common stocks allowed under Section 17; in insurance stocks allowed under Section 18; in loans or investments allowed under Section 31; in real property allowed under Section 35; or in funeral supply inventories and equipment allowed under Section 38 of this Act) shall be an eligible investment unless it is interest-bearing or interest-accruing or dividend or income-paying, is not then in default, and the insurer is entitled to receive for its account and benefit the interest or income accruing thereon. An investment may be eligible notwithstanding that part of the interest or income accruing thereon is paid by the insurer to a third party in consideration of services rendered by the third party with respect to the investment or that part of the interest or income accruing thereon is shared by the insurer with one or more joint venturers or others participating in the same investment.

Section 5. AUTHORIZATION FOR INVESTMENTS. An insurer shall not make any investment or loan (other than loans

on policies or annuity contracts) unless the same be authorized, approved, or ratified by the Board of Directors of the insurer or by such committee or person as the Board of Directors shall expressly authorize. The action of the Board of Directors, the committee, or other persons so authorized, shall be recorded and regular reports thereof shall be submitted to the Board of Directors. This requisite shall not apply to funeral supplies authorized for mutual aid associations under Section 38 of this Act which are purchased in the regular course of business under the general supervision of the association's Board of Directors.

Section 6. DIVERSIFICATION AND QUALITY OF CERTAIN INVESTMENTS.

(1) One Person. An insurer shall not have at any one time any single investment or combination of investments in or loans upon the security of the obligations, property, or securities of any one person aggregating in cost to the insurer in excess of the greater of (i) 10 percent of such insurer's assets or (ii) the total of its capital and surplus (as shown in the latest annual report of the insurer filed pursuant to Section 71(1) of the Alabama Insurance Code) less the minimum capital and surplus required of said insurer for authority to transact insurance by Sections 54 and 55 of the Alabama Insurance Code.

The restrictions of this subsection (1) shall not apply to evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or any department, agency or instrumentality thereof or by an state of the United States.

(2) Minimum Capital Funds. An insurer shall at all times invest and maintain invested funds in cash and the assets allowed in the following Sections of this Act in amount not less than the capital required of it to transact insurance by Section 54 of the Alabama Insurance Code:

(a) Section 7 (United States Government Obligations).

(b) Section 9 (State, County, Municipal and School Obligations).

(c) Section 29 (Mortgage Loans).

(3) Reserves. An insurer shall at all times invest and maintain invested funds in cash and the investments prescribed in this Act in amount not less than the amount of the reserves under its policies and annuity contracts in force.

(4) Specific Limits. Limits as to investments shall apply as stated in specific sections relating to particular kinds of investments.

Section 7. UNITED STATES GOVERNMENT OBLIGA-

TIONS. An insurer may invest in bonds, notes, warrants, debentures and other evidences of indebtedness which are direct obligations of the United States of America for which the full faith and credit of the United States of America is pledged for the payment of principal and interest.

Section 8. LOANS GUARANTEED BY THE UNITED STATES. An insurer may invest in loans guaranteed as to principal and interest by the United States of America, or by any agency or instrumentality of the United States of America, to the extent of such guaranty.

Section 9. STATE, COUNTY, MUNICIPAL AND SCHOOL OBLIGATIONS. An insurer may invest in bonds or other evidences of indebtedness which are general obligations of, or are adequately secured as to both principal and interest by irrevocable pledge of specific revenues by, this state or any other state of the United States, or any county, incorporated city or town, or duly organized school district or other civil division, governmental unit or public instrumentality of any such state. Obligations payable solely out of special assessments on properties benefited by local improvements shall not be eligible under this Section.

Section 10. PUBLIC IMPROVEMENT OBLIGATIONS. An insurer may invest in bonds and other evidences of indebtedness which are obligations of any state, county, city, town, village, municipality, district, or other political subdivision of any state, or of any instrumentality or board thereof, or of the United States of America, issued to provide funds for public projects (or for refunding of bonds issued for such purposes) which are revenue producing and self-supporting if such obligations are secured by a lien on such revenues to pay principal and interest and the issuing body is required to charge adequate rates for the services so provided to pay all charges against the project, including principal and interest on all indebtedness outstanding against the project.

Section 11. HOUSING AUTHORITY OBLIGATIONS. An insurer may invest in bonds, debentures or other evidences of indebtedness of local public housing authorities existing under the laws of the United States or of any state if such obligations are:

(1) Secured by a pledge of annual contributions unconditionally payable under the Annual Contributions Contract between the Public Housing Administration and the local agencies issuing the bonds; or

(2) Unconditionally guaranteed by the state, municipality, or political subdivision creating the authority, if the tax

supported obligations of such state, municipality, or political subdivision so guaranteeing would be eligible for investment under this Act; or

(3) Secured by payments to be made sufficient to pay principal and interest on the bonds under an "assistance contract" between the local authority and the state, municipality, or other political subdivision creating the authority; provided, the tax supported obligations of the assisting state, municipality, or political subdivision would be eligible for investment under this Act.

Section 12. OBLIGATIONS AND STOCK OF CERTAIN FEDERAL AGENCIES. An insurer may invest in obligations issued or guaranteed by the following agencies of the United States of America:

- (1) Commodity Credit Corporation
- (2) Federal Intermediate Credit Banks
- (3) Federal Land Banks
- (4) Central Bank for Cooperatives
- (5) Federal Home Loan Banks
- (6) Government National Mortgage Association
- (7) Federal Home Loan Mortgage Corporation
- (8) Tennessee Valley Authority

(9) Any other similar agency of the government of the United States of America having similar financial quality.

Section 13. CANADIAN GOVERNMENTAL OBLIGATIONS. An insurer may invest in bonds or other evidences of indebtedness issued, assumed or guaranteed by Canada, any province thereof, or issued by any municipality in Canada having a population of twenty-five thousand (25,000) or more.

Section 14. INTERNATIONAL BANK; FEDERAL NATIONAL MORTGAGE ASSOCIATION.

(1) An insurer may invest in obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development.

(2) An insurer may invest in the obligations of the Federal National Mortgage Association.

Section 15. CORPORATE OBLIGATIONS. An insurer may invest in secured and unsecured obligations bearing interest at a fixed rate, with mandatory principal and interest being

due at specified times, of any solvent institution engaged in any lawful business and existing under the laws of the United States or any state of the United States or Canada or any province thereof, if the issuing institution has not defaulted in the payment of principal and interest on any of its fixed interest obligations during the five (5) years preceding the date of investment. Provided, that the obligations of an institution which has not been in existence for a period of five (5) years shall be deemed eligible for investment under this Section if the institution has not defaulted in the payment of principal and interest on any of its fixed obligations during the period of its existence and if such institution meets the other requisites of this Act.

Section 16. PREFERRED AND GUARANTEED STOCKS.
An insurer may invest in the preferred or guaranteed stocks or shares of any solvent corporation engaged in any lawful business and existing under the laws of the United States or any state thereof if the prior obligations of the issuing company or the guarantor, if any, would be eligible for investment under the provisions of Section 15, and if the company has continuously paid the dividends provided for by outstanding preferred stock, if any, during the five (5) years preceding the acquisition of the investment.

Section 17. COMMON STOCKS OTHER THAN INSURANCE STOCKS.

(1) An insurer may invest in common stocks or shares of any solvent corporation engaged in any lawful business and existing under the laws of the United States or any state thereof, or of Canada, or any province thereof, if the prior obligations of such corporation, if any, would be eligible for investment under the provisions of Section 15.

(2) An insurer may invest in and own all of a controlling part of the capital stock of any corporation organized under the laws of the United States or any state thereof if the stock of such corporation is eligible for investment under subsection (1) of this Section.

(3) The total amount of the insurer's investments under this Section 17 shall not at any time exceed the greater of 10 percent of assets of the insurer or the amount of the insurer's capital and surplus less the minimum capital and surplus required of said insurer to transact insurance by Sections 54 and 55 of the Alabama Insurance Code. The limitations contained herein shall not prevent an insurer from making eligible investments in common stock in excess of said limitations pursuant to the provisions of Section 31 of this Act.

Section 18. INSURANCE STOCKS. An insurer may invest in the stocks of other solvent insurers formed under the laws of the United States, or any state thereof, provided that the total amount of the insurer's investments in excess of the net asset value of the stock acquired shall not at any time exceed the greater of 10 percent of assets of the insurer or the insurer's capital and surplus less the minimum capital and surplus required of said insurer to transact insurance by Sections 54 and 55 of the Alabama Insurance Code.

Section 19. EQUIPMENT TRUST OBLIGATIONS: OBLIGATIONS SECURED BY LEASE OR OTHER AGREEMENT RELATING TO MACHINERY AND PERSONAL PROPERTY.

(1) An insurer may invest in equipment trust obligations or certificates which are adequately secured evidencing an interest in transportation equipment wholly or in part within the United States and a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

(2) An insurer may invest in notes, bonds, debentures, or other evidences of indebtedness secured by an interest in manufacturing, mining or generating machinery and equipment located wholly within the United States evidencing a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such machinery and equipment.

(3) An insurer may invest in notes, bonds, debentures, or evidences of indebtedness secured by a lease of manufacturing, mining, computer equipment, or generating machinery and equipment or a lease of other tangible personal property, or by a contract, or by an agreement requiring aggregate payments sufficient to pay all fixed charges, including maintenance upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness.

(4) The lessee or party contracting or agreeing to make such payments under subsection (1), (2) or (3) of this Section must be the United States or an agency thereof, a state of the United States or a civil division or governmental unit thereof, or a solvent institution whose fixed interest obligations, if any, would be eligible investments under Section 15 (corporate obligations).

Section 20. RAILROAD LEASED LINES, TERMINAL OBLIGATIONS. An insurer may invest in:

(1) Leased line obligations of railroads where all of the fixed interest bearing obligations of the lessee meet the standards prescribed in Section 15 (corporate obligations).

(2) Terminal obligations of railroads and other common carriers where all of the fixed interest bearing obligations of the obligor meet the standards prescribed in Section 15 (corporate obligations).

Section 21. OBLIGATIONS OF RELIGIOUS INSTITUTIONS OR SOCIETIES. An insurer may invest in secured and unsecured obligations of religious institutions or societies located within the United States if the institution or society has not defaulted in payment of principal or interest on any of its obligations during the five (5) years preceding the investment.

Section 22. OIL AND GAS PRODUCTION LOANS. An insurer may invest in adequately secured loans secured by first liens on interests in oil, gas or condensate properties or leaseholds in the United States and Canada on which there are fully completed commercially producing wells.

Section 23. TRUSTEES' OR RECEIVERS' OBLIGATIONS. An insurer may invest in certificates, notes or other obligations issued by trustees or receivers of any institution created or existing under the laws of the United States or of any state thereof, which, or the assets of which, are being administered under the direction of any court having jurisdiction if any such obligation is adequately secured as to principal and interest.

Section 24. COLLATERAL LOANS. An insurer may invest in loans with a maturity not in excess of five (5) years from the date thereof which are secured by pledge of securities eligible for investment under this Act, or by the pledge or assignment of life insurance policies issued by insurers authorized to transact insurance in this state. On the date made, no such loan shall exceed in amount seventy-five percent (75%) of the market value of the collateral pledged, except that loans upon pledge of United States government bonds and loans upon the pledge or assignment of life insurance policies shall not exceed ninety-five percent (95%) of the market value of the bonds or the cash surrender value of the policies pledged. The amount so loaned shall be included in the maximum amount of funds permitted under this Act to be invested in a single person.

Section 25. POLICY LOANS. A life insurer may lend to its policyholder upon the security of the policy any sum not exceeding the cash surrender value of the policy or may lend

against pledge or assignment of any of its supplementary contracts or other contracts or obligations so long as the loan is adequately secured by such policy contracts.

Section 26. SAVINGS AND LOAN ASSOCIATIONS. An insurer may invest in shares or savings accounts of savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Section 27. FOREIGN SECURITIES. An insurer authorized to transact insurance in a foreign country may make investments, in aggregate amount not exceeding its obligations incurred in such country, in securities of or in such country possessing characteristics similar to like investments required pursuant to this Act for investments in the United States of America. Canadian securities eligible for investment under other provision of this Act are not subject to this Section.

Section 28. SHIP LOANS. An insurer may invest in bonds, debentures, notes or other evidences of indebtedness which are: (1) guaranteed by the United States of America, represented by the Secretary of Commerce acting pursuant to Title 11 of the Merchant Marine Act, 1936, as amended, and the Federal Ship Financing Act of 1972; or (2) insured by the United States of America, represented by the Secretary of Commerce acting pursuant to Title 11 of the Merchant Marine Act, 1936, as amended, and the Federal Ship Mortgage Insurance Act, as amended, provided such indebtedness is secured by mortgages on ships, barges, tugboats, or other shipping vessels; or (3) secured by mortgages on ships, barges, tugboats, or other shipping vessels which are under lease or charter to the United States Government or an agency or department of the United States Government or to a solvent institution whose fixed interest obligations, if any, would be eligible investments under Section 15 (corporate obligations), if such lease or charter is assigned as additional security for such bonds, debentures, notes or other evidences or indebtedness, and requires aggregate payments sufficient to pay all fixed charges, including maintenance, upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness.

Section 29. MORTGAGE LOANS. An insurer may invest in:

(1) Bonds, notes or other evidences of indebtedness which are secured by a first mortgage lien or deed of trust upon unencumbered improved real property located in the United States or Canada, including leasehold estates in such real estate

having an unexpired term (inclusive of the term or terms which may be provided by options of renewal) of not less than ten (10) years beyond the final maturity of the loan. Unless guaranteed or insured by the Administrator of Veterans Affairs, the Federal Housing Commissioner or by a mortgage guaranty insurance policy issued by an insurance company licensed and authorized to do business by and in the State of Alabama, no such mortgage loan or loans when made shall exceed seventy-five percent (75%) of the fair value of the real estate or leasehold, except that loans made on single family dwellings shall not exceed eighty percent (80%) of the fair value of the property. "Fair Value" shall be determined by a competent appraiser or appraisers. For the purposes of this Section and Section 30, real estate shall not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil or timber rights, rights of way, joint driveways, sewer rights, public utility easements, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner; provided that the security created by the mortgage or trust deed on the real estate is a first lien upon such real estate and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed.

(2) Bonds, notes, or other evidences of indebtedness which are secured by mortgage or deed of trust on real estate or an interest in real estate in the United States, if payment of such indebtedness or part thereof is guaranteed or insured by the Administrator of Veterans Affairs in accordance with the Servicemen's Readjustment Act of 1944 as amended. Any portion of a mortgage loan referred to in this subsection which is not guaranteed as herein provided must not exceed 75% of the fair value of the property as defined in subsection (1) above.

(3) Bonds, notes or other evidences of indebtedness which are secured by mortgage or deed of trust insured by the Federal Housing Commissioner under the terms of the National Housing Act as amended.

(4) Purchase money mortgages shall be valued as provided in Section 753 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

Section 30. REAL PROPERTY LEASE INVESTMENTS. An insurer may invest in loans, notes, bonds or other evidences of indebtedness of any person up to the fair value of real

property securing said indebtedness, upon compliance with the following conditions and provisions:

(1) The indebtedness must be secured by a first mortgage lien on real property having a fair value of not less than the principal amount of the loan, except as hereinafter provided in subsection (8) of this Section;

(2) The indebtedness must be additionally secured by a lease on said real property, which lease must be assigned and transferred by the lessor to the lender or to a trustee of the lender under a trust instrument;

(3) The lease so assigned as additional security must be non-cancellable and may be terminated only upon such conditions as are generally provided in commercial leases, such as, for example, destruction by fire, tornado or similar hazard, or condemnation or taking by power of eminent domain.

(4) Rental payments under such lease must be payable monthly, quarterly or semi-annually and the aggregate rental payments required to be paid during the initial term of any such lease must be sufficient to pay the fixed charges against the leased property, including expenses of maintenance, upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness;

(5) The lease additionally securing such indebtedness shall be a so-called "net lease," except as otherwise provided in subsection (8) of this Section, "Net lease" shall mean a lease under the terms of which the lessee is required to pay, in addition to the rental payments, all other charges for the maintenance, upkeep and repair of the leased property, and all taxes, insurance and other charges provided under the terms of the lease;

(6) The indebtedness must be payable in full, both as to principal and interest, during the initial term of the lease assigned or transferred as additional security. The required payments of principal and interest on such indebtedness must be made in substantially equal periodic installments in an aggregate amount sufficient to retire or pay the loan in full upon or prior to the expiration of the initial term of such lease, except that if the substantially equal periodic installments are at a rate sufficient to retire or pay the loan in full as amortized over the initial term of the lease, balloon payments may be permitted to pay the remaining balance due on the indebtedness if, by the terms of the instruments evidencing the same, the entire indebtedness matures prior to the expiration of the initial term of the lease. In addition to the required payments

of principal and interest, the evidences of indebtedness may also provide for payment of additional monies to the holder thereof based upon excess rentals, volume of sales or other events or factors which the parties may agree upon:

(7) The lessee, or any obligor under any such lease, must be a person, corporation or other legal entity or government agency, unit or subdivision, whose obligations, at the time the lender commits in writing to make a loan, are or would be an eligible investment under this Act and are or would be amortizable under the rules and regulations promulgated by the Commissioner (ordinarily the same as promulgated by the National Association of Insurance Commissioners);

(8) If the lease additionally securing such indebtedness is not a "net lease," then, and in such event, the indebtedness shall not exceed ninety percent (90%) of the fair value of the real property mortgaged to secure the payment of such indebtedness.

Where the words "Lease", "lessor" or "lessee" appear in this Section 30, the singular shall include the plural.

Section 31. MISCELLANEOUS INVESTMENTS.

(1) An insurer may make investments not otherwise expressly permitted by this Act which may be counted as admitted assets, except as expressly prohibited under Section 39, provided:

(a) The aggregate of all such investments shall not exceed ten percent (10%) of the insurer's admitted assets; and

(b) The insurer's capital and surplus shall not be less than twice the total capital and surplus required of the insurer to transact insurance under Sections 54 and 55 of the Alabama Insurance Code.

(c) Such investments are sound investments.

(2) No investment shall be an eligible investment under this Section if the investment (a) is in an asset not allowed under the provisions of Section 747 of the Alabama Insurance Code or is otherwise expressly prohibited; or (b) is eligible under any other provision of this Act, except that an insurer may invest in common stocks up to the limits imposed by this Section in excess of the limits imposed by Section 17.

(3) The insurer shall keep a separate record of all investments made under this Section.

(4) If an investment made under this Section subsequently qualifies as an eligible investment under any other provision of this Act, the investment shall thereafter not be

eligible under this Section.

Section 32. DATA PROCESSING MACHINES. An insurer may invest in electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is not less than ten thousand dollars (\$10,000) and cost for such machines is amortized in full over a period not to exceed ten (10) calendar years.

Section 33. INVESTMENTS INCIDENTAL TO AGRICULTURAL PROPERTY LOANS.

(1) If real property securing any evidence of indebtedness held by an insurer is used for agricultural purposes and a proceeding to foreclose the mortgage or an insolvency proceeding relating to the mortgagor has been commenced, or if the mortgagor has made an assignment for the benefit of creditors, the insurer may, for the purpose of preserving or enhancing the earnings of such property:

(a) Purchase agricultural livestock or equipment and utilize the same or cause the same to be utilized in the operation of the property by the mortgagor, or a receiver or trustee, or by the insurer; or

(b) Lend up to the value of any agricultural equipment or livestock which may be utilized in the operation of the property, on the security of such equipment and livestock as a first lien.

(2) Nothing in this subsection shall be deemed to limit any right which the insurer may otherwise have under or with respect to any such loan, mortgage or investment.

Section 34. CHATTEL MORTGAGES. In connection with mortgage loans made under subsections (2) and (3) of Sections 29, an insurer may loan on the value of personal property items listed in the Federal Housing Administration Commitment for Insurance or the Veterans Administration Certificates of Reasonable Value. Nothing herein shall be deemed to prevent an insurer from taking liens on personal property items as additional security for any investment eligible for investment under this Act.

Domestic life insurance companies are authorized to invest, within the limitations set forth herein, in chattel mortgages resulting from the financing of tangible personal property, which mortgages must constitute valid first liens on the chattels mortgaged. The maximum amount of such mortgages to be admitted as assets shall not exceed one half of the amount of surplus remaining after deducting from capital and surplus an amount equal to the statutory minimum capital and surplus

required of a newly-organized life insurance company. In addition, an adequate reserve for losses, based on past and prospective experience of the company, shall be maintained at all times.

Section 35. REAL ESTATE

(1) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve the following real estate:

(a) Land and buildings used for home office and branch office purposes, together with such other real estate as is required for the convenient transaction of its business.

(b) Funeral home buildings used in the servicing of burial insurance policies.

An insurer may lease to others part of the real property otherwise occupied by it for home office and other purposes under subparagraphs (a) and (b) above, except that the value of the parts so leased must be included in subsection (2) below.

Except as provided in subsection (5) of this section, an insurer may not carry, as an admitted asset real estate acquired under this subsection following ten years from the date when such real estate ceases to be necessary for the convenient accommodation of the insurer in the transaction of its business.

The cost of the aggregate amount of real estate owned under this subsection (1), less encumbrances and less depreciation where applicable, shall not exceed five percent (5%) of the insurer's admitted assets.

(2) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve the following real estate:

(a) Real estate acquired as payment or part payment in the sale of other real estate owned by the insurer.

(b) Real estate acquired by a gift or devise.

(c) Real estate necessary for the protection or enhancement of the value of other real estate owned by the insurer.

(d) Real estate acquired through a lawful merger or consolidation with another insurance company and not required for its accommodation as provided in subsection (1) above.

(e) Real estate under lease or being constructed under a definite agreement providing for lease to a solvent person, for industrial or commercial purposes. The fixed interest obligations, if any, of any such lessee under this subsection (e) must be eligible for investment under Section 15 of this act.

The cost of the aggregate amount of real estate owned

under this subsection (2), less depreciation where applicable shall not exceed ten percent (10%) of the insurer's admitted assets.

(3) An insurer may acquire, own, maintain, alter, furnish and improve real estate acquired in satisfaction of loans, mortgages, liens or other evidences of indebtedness previously owing to the insurer in the regular course of its business. Except as stated in subsection (5) of this Section, an insurer may not carry as an admitted asset real estate acquired under this subsection following ten years from the date of acquisition.

(4) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve real estate acquired to be improved or developed as an investment for the production of income. The cost of the aggregate amount of real estate owned under this subsection, including the cost of improvement and development, less depreciation where applicable, shall not exceed ten percent (10%) of the insurer's admitted assets.

(5) Upon evidence satisfactory to him that the interest of an insurer will suffer materially if it is not permitted to carry a particular parcel of real estate as an admitted asset after expiration of the period set out in subsections (1) and (3) of this section, the Commissioner may by order in writing grant a reasonable extension of the period, as specified in said order during which time the insurer may continue to carry such real estate as an admitted asset.

(6) Real estate permitted to be carried as an admitted asset of the insurer under this section shall be so carried at an amount equal to its cost at the time of acquisition together with the actual cost of improvements made thereon, less encumbrances and less depreciation where applicable.

(7) The limitations hereinabove provided with respect to real estate investments under this Section 35 shall not apply where the total amount invested by an insurer in such investments does not exceed the total capital and surplus of such insurer less the minimum capital and surplus required to be maintained by such insurer under the provisions of Sections 54 and 55 of the Alabama Insurance Code.

Section 36. FAILURE TO DISPOSE OF REAL ESTATE, PERSONAL PROPERTY OR SECURITIES: EFFECT. Any real estate, personal property, securities or other investment lawfully acquired and held by an insurer shall not be allowed as an admitted asset of the insurer after expiration of the period for disposal thereof or any extension of such period granted by the Commissioner pursuant to the provisions of Section 35.

Section 37. INVESTMENTS NOT ELIGIBLE. Except as

expressly prohibited in Section 39 of this act, an insurer may make any investment without limit as to kind, time or amount, but only eligible investments shall be included or counted as admitted assets of the insurer in the determination of its financial condition. If part of an investment qualifies as an eligible investment under any provision of this act and part does not, then only the part of the investment so qualifying shall be counted as an admitted asset.

Section 38. FUNERAL SUPPLY INVENTORIES AND FUNERAL EQUIPMENT. In addition to other investments permitted under this Act, mutual aid associations may invest in funeral supply inventories consisting of caskets, suits, robes, dresses and embalming supplies, and funeral equipment consisting of automobiles, hearses, ambulances, funeral cars and other motor vehicle equipment, all to the extent reasonably necessary to the full performance by the association of its outstanding contracts and policies. Such funeral supply inventories shall not exceed twenty-five percent (25%) of the association's assets.

Section 39. PROHIBITED INVESTMENTS AND INVESTMENT UNDERWRITING.

(1) After the effective date of this Act, an insurer shall not invest in nor lend its funds upon the security of any note or other evidence of indebtedness of any director, officer or controlling stockholder of the insurer, except as to policy loans authorized under Section 25 of this Act, and except as provided in Sections 5, 522, 747 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

(2) No insurer shall underwrite or participate in the underwriting of an offering of securities or property by any other person, provided that nothing in this Section shall prevent an insurer from purchasing securities or property directly from any person so long as the purchase is made for investment purposes and not for the purpose of resale through public distribution.

Section 40. INVESTMENTS OF FOREIGN INSURERS. The investments of a foreign or alien insurer shall be as permitted by the laws of its domicile but shall be of a quality and diversity substantially equivalent to that required of like domestic insurers under this Act.

Section 41. INVESTMENTS OF MUTUAL AID ASSOCIATIONS. The funds of a mutual aid association shall be in cash or shall be invested as provided in Sections 3 through 39 as applicable to life insurers, except that:

(1) Funds of the association to the extent of its reserve

liabilities resulting from valuation of its contracts providing for benefits, aid or services payable or to be rendered other than in cash may, at the option of the association, be invested in securities or assets eligible for investment of the funds of life insurers in general, but with category limits as follows in lieu of limits otherwise applicable thereto under Sections 3 through 39:

(a) Not to exceed twenty-five percent (25%) of the reserves of the association in the aggregate may be invested in preferred and guaranteed stocks authorized in Section 16 and common stocks authorized under Section 17(1).

(b) Not to exceed ten percent (10%) of such reserves may be invested in insurance stock authorized under Section 18.

(c) Not to exceed forty percent (40%) of such reserves may be invested in real estate for production of income authorized under Section 35.

(2) In addition to the investment of particular reserves in designated categories of investments as provided in subsection (1), above, the association may invest additional funds in the same categories, but within the percentage limitations otherwise applicable under Sections 3 through 39 as computed upon all of the assets of the association after deduction of the reserves mentioned in such subsection (1) of this Section.

(3) This Section shall not apply to mutual aid corporations that received a certificate of authority prior to July 31, 1967. The monies derived by such corporations from the payment of subscriptions to its capital stock, and the payment of sales of stock (contributed surplus for mutual) may be invested in bonds of the United States, or of this state, or the cities or counties of this state estimated at their market value, or in notes or mortgages secured by real estate collateral worth twice the amount of said mortgages or notes.

(4) Mutual aid corporations, both stock and mutual, organized prior to July 31, 1967, shall be solvent so long as their assets exceed their liabilities.

Section 42. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are separable.

Section 43. CONFLICTING LAWS. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 44. EFFECTIVE DATE. This Act shall take effect on the next January 1 after its approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1977.

Time: 6:10 P.M.

Act No. 409

S. 266—Mitchell

AN ACT

To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Be It Enacted by the Legislature of Alabama:

Section I. The Commissioner of Insurance is empowered to place an insurance company under supervision after a hearing thereon by appropriate order for the following reasons:

(a) When an insurance company has been notified under the provisions of Section 537, Title 28A, Code of Alabama 1940 of impairment or deficiency of assets and given sixty days to make good the impairment;

(b) A determination by the Commissioner that an insurer is impaired or insolvent;

(c) A determination by the Commissioner that an insurer's condition is such as to render the continuation of its business hazardous to its policyholders following an examination of the operations and financial condition of an insurer by the Commissioner;

(d) Any of the grounds for rehabilitation or liquidation of domestic insurers set forth in Sections 625 and 626, Title 28A, Code of Alabama 1940.

Section II. No order of supervision shall be issued by the Commissioner until the insurance company has been given notice of the Commissioner's intentions to place the company under supervision, the appropriate reasons for supervision set out in Section I above, and a hearing held thereon. The notice and hearing shall conform to the requirements set forth in Sections 41, 42, 43, 44, 45, and 46, Title 28A, Code of Alabama 1940.

Section III. During the period of supervision the Commissioner may appoint a supervisor and may provide that the

insurer may not do the following things during the period of supervision without the prior approval of the Commissioner or his duly appointed supervisors:

- (a) Dispose of, convey or encumber any of its assets or its business in force.
- (b) Withdraw any of its bank accounts
- (c) Lend any of its funds
- (d) Invest any of its funds
- (e) Transfer any of its property
- (f) Incur any debt, obligation or liability
- (g) Enter into any new reinsurance contract or treaty
- (h) Issue to the public policies of insurance

Section IV. The Commissioner shall withdraw the supervision order immediately upon determination that the reasons for the supervision set forth in Section I of this act have been corrected or no longer exist, but in no event shall the supervision order last longer than sixty (60) days without another notice and hearing being conducted in the same manner as set out in Section II above.

Section V. The provisions of Chapter 28, Title 28A, Code of Alabama 1940 concerning rehabilitation and liquidation shall not be stayed during the period of supervision and the commencement of delinquency proceedings under Section 623 of Chapter 28, above, may commence either before, during, or after a supervision order or period of supervision.

Section VI. The order of supervision issuing after the hearing shall follow the provisions of Section 29, Title 28A, Code of Alabama 1940 and may be appealed in the same manner as orders falling under the provisions of Section 47, Title 28A, Code of Alabama 1940.

Section VII. The provisions of this act are severable. If any part of the act is declared unconstitutional or invalid such declaration shall not affect the part which remains.

Section VIII. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 3, 1977.

Time: 6:10 P.M.

Act No. 410

H. 723—Johnstone

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing Mobile County to build and operate a county penal facility and to issue bonds and levy a tax to finance the facility.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become a part thereof when approved by a majority of the qualified voters thereon at a referendum election and upon proclamation of the governor.

PROPOSED AMENDMENT

A. The governing body of Mobile County is authorized to acquire, construct, improve, equip, staff, maintain and operate a county penal facility which may be used for the incarceration, housing, training, education and rehabilitation of prisoners in the custody of the county. Said governing body is authorized to purchase, by condemnation if necessary, land sufficient for the purposes of construction of the penal facility and the operation of such prison industries as the county governing body may deem practical, which industries may include but are not limited to prison farming operations. Products of such prison industries may be sold to the state, county, or any municipal government and on the open market where such sales are not prohibited by law, and the profits derived from the sales shall be used for maintenance and operation of the penal facility. The design of and plans for the facility must be approved by the Sheriff of Mobile County before construction thereon may commence. Subsequent modifications must be likewise approved before their commencement.

B. The governing body of Mobile County is authorized to issue bonds, which shall be general obligations on the county treasury to which the full faith and credit of the county shall be pledged, in an amount not exceeding eight million dollars in face value for the first issue. All or part of the bonds may be refunded or reissued up to an amount not exceeding eight million dollars in face value, and any bond issued hereunder may be recalled and retired at any time before maturity date at the option of the county governing body. The bonds issued hereunder and the income therefrom shall be exempt from all taxation in the state. All of the proceeds from the sale of the bonds shall be used for the purposes authorized in part A. above. So long as any bonds issued hereunder are outstanding, any maximum limit upon the indebtedness of Mobile County shall be increased by the aggregate principal amount of all outstanding bonds issued hereunder. Such aggregate principal

amount of outstanding bonds issued hereunder shall not be included in the computation of all outstanding bonds issued by the county required by Section B of Amendment CCC.

C. The Mobile County governing body is authorized to levy and collect a special county tax at the rate of fifteen cents on each one hundred dollars worth of taxable property in Mobile County in addition to any other tax now or hereafter authorized by law. Provided, however that such rate shall continue in effect only so long as bonds issued pursuant to part B. above are outstanding or any interest accrued thereon remains unpaid. At such time as all bonds issued under part B. are retired and all interest thereon is paid, the rate of the tax shall be reduced by the county governing body to an amount not exceeding five cents on each one hundred dollars worth of taxable property in Mobile County. The proceeds of the tax shall be used for the retirement of the bonds issued under part B. and for payment of any interest or expense incidental thereto. Provided, that any excess revenue over the amount required to meet amortization schedules for the retirement of the bonds may be used for operation and maintenance of the county penal facility. After retirement of the bonds and payment of all interest thereon and expense incidental thereto, the proceeds of the tax shall be used for maintenance, operation and improvement of the penal facility herein authorized.

D. The provisions of this amendment are self-executing with no further action by the legislature necessary. The Mobile County governing body shall have and may exercise all powers necessary to the implementation of the provisions hereof. In addition, the Mobile County governing body is authorized to enter into agreements with municipalities within the county concerning the incarceration, housing, feeding, training, education and rehabilitation of municipal prisoners in the county penal facility. The Sheriff of Mobile County shall be vested with the authority to refuse to receive for incarceration in the county penal facility any prisoners convicted in any court or courts located in any county or counties other than Mobile; and, in the event said Sheriff agrees to receive any such prisoners, he shall have the authority to require compensation therefor from such other counties and to set the amount thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940; provided, however, that this constitutional amendment shall not become effective unless and

until it has been approved by a majority of the votes cast by qualified voters of Mobile County in such election.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment:

Passed the House as Amended March 29, 1977

Passed the Senate May 4, 1977

Act No. 411

H. 928—Carothers, Crawford, Smith (J)

AN ACT

Proposing an amendment to further amend Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property in Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Section 217 (b). With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property.

Class I. 30 percentum

Class II. 25 percentum

Class III. 15 percentum; provided, however, that in Houston County the ratio for Class III shall be 10 percentum.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration

of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter I, Article XVIII, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House March 22, 1977

Passed the Senate May 4, 1977

Act No. 412

H. 1360—Callahan

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a 1¼ mil ad valorem tax in Mobile County the proceeds of which shall be used to increase the salaries of municipal and county law enforcement officers within Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law, provided that if the vote of the majority of electors in Mobile County voting in the Constitutional Amendment Election is unfavorable to the adoption of such amendment, said amendment shall not be adopted:

PROPOSED AMENDMENT

“The legislature may authorize the levy and collection of a 1¼ mil ad valorem tax in Mobile County on all real and personal property that is subject to such tax under the laws of this state, the proceeds of which shall be used to increase the salaries of municipal and county law enforcement officers within Mobile County, and any acts of the legislature on this subject applicable to Mobile County that were enacted prior to the adoption of this amendment are hereby validated and reconfirmed. Provided however, such enabling legislation shall

not become effective until this amendment is, or its provisions are, approved by a majority of the electors of Mobile County voting at the election held for the purpose of approving this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House April 28, 1977

Passed the Senate May 4, 1977

Act No. 413

H. 33—Gafford, Callahan

AN ACT

Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

Be It Enacted by the Legislature of Alabama:

Section 1. The salaries for the positions in the Department of Revenue known as Division Chief (Chief of Ad Valorem Tax Division, Chief of Field Division, Chief of the Franchise Tax Division, Chief of the Income Tax Division, Chief of the License Tax Division, Chief of the Motor Fuels Division, Chief of the Research, Statistical & Liaison Division, and Chief of the Sales & Use Tax Division) shall be entitled to receive an annual salary equal to but not exceeding the maximum salary now or hereafter fixed for the position of Attorney III supervisor.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1977.

Time: 5:55 P.M.

Act No. 414

S. 456—Mims

AN ACT

To amend the title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886), so as to transfer all funds collected thereunder into a fund to be designated as "Probationers' Upkeep Fund" and to have all such funds subsequently collected deposited in the state treasury to the credit of that fund for the use by the Board of Pardons and Parole for the purposes stated in said section; and to make an immediate appropriation from the funds collected pursuant to the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886) is amended to read as follows:

"An Act Requiring that each parolee and probationer pay a portion of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation, excepting those cases determined by the board of pardons and paroles to cause a hardship-; and establishing a fund in the state treasury designated as 'Probationers' Upkeep Fund'; and to appropriate a certain sum therefrom.

"Section 1. Except in those cases determined by the board of pardons and paroles to cause a hardship, any person who is placed on parole by the Board of Pardons and Paroles, or any person who is granted probation by a Court of competent jurisdiction and who is subject to supervision by the Board of Pardons and Paroles, except those persons transferred to or from other states under the provisions of the Interstate Compact for the Supervision of parolees and probationers, and who is gainfully employed shall be required to contribute ten dollars (\$10.00) per month toward the cost of his supervision and rehabilitation beginning thirty days from the date he is employed. Such sum shall be deducted by the parolee or probationer from his monthly net earned income and shall be delivered to the Board of Pardons and Paroles on or before the fifth day of each month for deposit in the general funds of the state treasury on or before the tenth day of each month. There shall be established a 'Probationers' Upkeep Fund.' All

monies received pursuant to this Section since August 24, 1976, shall be transferred by the state treasury into such fund for the credit and use of the Board of Pardons and Paroles and all sums collected pursuant thereto after the effective date of this act shall be deposited into the treasury to the credit of said fund. All such funds shall be withdrawn or expended only for the purposes herein stated. Such funds are hereby appropriated to the Board of Pardons and Paroles for the purposes herein stated.

There is hereby appropriated for the current fiscal year \$50,000.00 from said fund to the Board of Pardons and Paroles for the purposes of supervising parolees and probationers who are gainfully employed. By prior agreement between an employer and employee, an employer may deduct such ten dollars (\$10.00) from the monthly net earned income of the parolee or probationer and remit such amount to the Board of Pardons and Paroles by the fifth day of each month. The responsibility of assuring such contribution shall remain that of the parolee or probationer. In the event of over two months arrearage or delinquency in making such contribution, such arrearage or delinquency shall constitute sufficient ground for revocation of the parole or probation of the person in arrears."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1977.

Time: 3:50 P.M.

Act No. 415

S. 653—Jones

AN ACT

To provide for the reopening of the Employees' Retirement System of the City of Montgomery in Montgomery County to those employees with prior service, who either declined membership at the time of establishment, or who have nonmembership service but who later joined the Employees' Retirement System; to reopen said system to employees who have creditable service for which they are ineligible to gain credit for reasons other than nonmembership; and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any employee whose membership in the Employees' Retirement System of the City of Montgomery was contingent upon his own election and who elected not to become a member, may apply for and be admitted to membership with

all prior service credit as otherwise provided for in Act No. 349 of the 1971 Regular Session of the Legislature, as amended or superseded, at any time, provided said employee pays to the Board of Control of the Employees' Retirement System of the City of Montgomery a sum equal to the total contributions which he would have made as a member during his service as an employee from the date of formation of said system, or the date of entry of his employing unit, to the date of his application for membership, plus compound interest of eight (8%) per centum on such contributions.

(b) Any member or any retired member of the Employees' Retirement System of the City of Montgomery, who at one time worked as a nonmember may receive credit for prior service and for the years worked as a nonmember, provided said member or retired member pays to the Board of Control of the Employees' Retirement System of the City of Montgomery, a sum equal to the total contributions which he would have made as a member during the period of his employment from the date of formation of said system, or the date of entry of his employing unit, to the date he becomes a member, plus compound interest of eight (8%) per centum on such contribution.

(c) Any member or retired member, who is precluded from restoring creditable service because his account was terminated due to five years absence or because he withdrew his funds and after again becoming a member of the Employees' Retirement System of the City of Montgomery failed to repay such withdrawn contributions plus interest within eight (8) months after having completed five (5) years of contributing membership service, may now receive credit for such terminated or withdrawn creditable service, provided he pays to the Board of Control of the Employees' Retirement System of the City of Montgomery, a sum equal to the total contributions which he has withdrawn plus compound interest of eight (8%) per centum on such contributions from the date of withdrawal.

Section 2. Any member who was a member of the Employees' Retirement System and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to the date of formation of said system for reasons other than having been employed as a nonmember, shall be eligible under the provisions of Act No. 349 of the 1971 Regular Session of the Legislature, as amended, to receive credit for all service as an employee rendered by him prior to the date of establishment of the retirement system, provided such person pays a sum equal to the total contributions which he would have made as a member during the period of his employment from the date of formation of said system, or the

date of entry of his employing unit, to the date he becomes a member, plus compound interest of eight (8%) per centum on such contribution.

Section 3. Any law or part of law relating to the payment of interest on contributions as a prerequisite to the granting of credit for withdrawn, terminated or nonmembership service under the Employees' Retirement System notwithstanding, any eligible employee, member or retired member who claims such service shall pay into the retirement system in addition to the contributions required, interest of eight (8%) per centum, compounded annually, on such contributions, as a prerequisite to the granting of said service credit.

Section 4. Anything in this act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this act shall become the continuing liability of the employer for whom such service was rendered.

Section 5. All laws or parts of laws in conflict with provisions of this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1977.

Time: 3:50 P.M.

Act No. 416

S. 688—Ellis, Vacca, Gilmore

AN ACT

To provide and regulate a tax exemption for annexed territory of incorporated municipalities with populations of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any city having a population of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Section 2. All territory (but not including residences, dwelling houses, storehouses, commissaries or the land on which they are situated) brought within the corporate limits of a city to which this act applies and all property having a situs

within such territory, may be exempt from city taxation or the payment of taxes to the city for the period of not less than ten nor more than fifteen years from the time when such territory is brought within the corporate limits of the city.

Section 3. From time to time after the lapse of five years from the time when such territory is brought within the corporate limits of the city, all portions of such territory as has residing on it a population of at least twenty persons on a contiguous ten acres of land (in form of a square or any other shape) and all property having a situs on such populated territory, may thereafter be subject to taxation by the city and taxes thereon shall be paid to the city.

Section 4. All portions of such territory which is at the time it is brought within the corporate limits of the city used or occupied as or as a part of a mining, manufacturing, or industrial plant or construction, or which is used or occupied as or as a part of a railroad or street railroad, or for any other quasi public use, and continues to be so used, and all property having a situs on such territory (but not including residences, dwelling houses, storehouses, commissaries, or the land on which they are situated) may be exempt from city taxation for a period of ten years; and all portions of such territory which, after it is brought within the corporate limits of the city, is used or occupied by a new construction as or as a part of mining, manufacturing, or industrial plant or construction, or which is used or occupied as or as a part of a railroad or a street railroad, or for any other quasi public use, and continues to be so used, and all property having a situs on such territory (but not including residences, dwelling houses, storehouses, commissaries, or the land on which they are situated) may be exempt from city taxation for a period of ten years from the time of construction, use, or occupation; but in no event is the exemption to extend beyond fifteen years from the time when such territory is brought within the corporate limits of the city.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1977.

Time: 4:20 P.M.

Act No. 417 H. 218—Owens, Merrill, Crowe, Plaster, Drake, Holmes (D), Biddle, Warren, Clark, Naramore, Weeks, Kinsey, Riddick, Turnham, Sasser, Carter, Robertson, Coburn, Gafford, Sandusky, Rich, Jackson (F), McCorquodale, McMillan, Harris, Cooper, Waggoner, Lee, Leonard, Smith (C), Moore (O), Martin, Starkey, Roberts, Cross, Pegues, Campbell, Cates, Venable, Folmar, Sonnier, Manley, Smith (M), Hines, Dial, Edwards, Whatley, Baker, Glass, Johnstone, McCulley, Lutz, Gregg, Goodwin, Moore (W), McNees, Boles, Killian, Brindley, Jolly, Quarles, Armstrong, Williams, Albright, Carothers, Smith (J), Johnson.

AN ACT

To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama commissioned a study of state salary structures in 1975 and such study indicated that a notable salary lag existed between state troopers in Alabama and other troopers of the Southeast and the Nation. Recognizing the qualifications and training required for personnel filling these positions, their constant exposure to danger, their irregular work schedules under a wide range of conditions, the Legislature does hereby appropriate out of the general fund, for the fiscal year beginning October 1, 1977, the sum of \$2,480,000.00 to implement this act.

Section 2. The State Personnel Department shall increase the salaries of the following classifications of employees within the State Department of Public Safety in the amount of \$115.00 bi-weekly: State Trooper Cadet, State Trooper, State Trooper Corporal, State Trooper Sergeant, State Trooper Lieutenant, State Trooper Captain, State Trooper Major, Police Communications Officer I, Police Communications Officer II, and Police Communications Supervisor I.

Section 3. The Director of the State Personnel Department shall revise the schedule of rates set forth in the pay

plan for classes of employees enumerated in Section 2 subject to the merit system law to reflect this increase herein provided and shall certify the same to the State Comptroller who shall issue his warrants in accordance therewith.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, local or special, in conflict with this act are hereby repealed.

Section 6. This act shall become effective on the beginning of the first state pay period beginning on or after October 1, 1977. It is specifically provided, however, that this act shall not affect the compensation of any officer or employee of Coosa County or of Tuscaloosa County even though the compensation of such officers was heretofore prescribed by a law, which based such compensation on or in some way related it to the compensation of one or more of the positions in the above listed classifications.

Approved May 4, 1977.

Time: 6:59 P.M.

Act No. 418

H. 1297—Greer, Hill, Coburn

AN ACT

Relating to Lauderdale County; amending Section 2 of Act No. 791, H. 923 of the 1969 Regular Session (Acts 1969, Vol. II, p. 1421), which act pertains to the office of the sheriff, his deputies and assistants, so as to increase the deputy uniform allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 791, H. 923 of the 1969 Regular Session (Acts 1969, Vol. II, p. 1421), which act relates to the office of the sheriff of Lauderdale County, is hereby amended so as to read as follows:

“Section 2. The county governing body shall furnish each deputy or any other employee designated by the Sheriff, with uniforms or it may in its discretion pay to each deputy or designated employee annually a uniform allowance of \$300.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1977.

Time: 5:00 P.M.

Act No. 419

H.J.R. 550—Reed, Folmar, McCorquodale,
Starkey

HOUSE JOINT RESOLUTION

COMMENDING JAMES L. PAULK.

WHEREAS, James L. Paulk, a past member of the Alabama House of Representatives, is now a grower of vegetable plants in Bullock County; and

WHEREAS, James L. Paulk employs 500 people who would not normally be working; and

WHEREAS, James L. Paulk has promoted a National Gardening Program and has worked with educational television in relating to people how to supplement food budgets with home gardens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend James L. Paulk.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to James L. Paulk.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 420

H.J.R. 552—Turnham

HOUSE JOINT RESOLUTION

HONORING DR. G. J. COTTIER ON HIS RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the retirement on April 1, 1977, of Dr. G. J. Cottier, Auburn University professor, after 47 years of teaching and research; and

WHEREAS, Dr. Cottier, a native of Holt County, Missouri, prepared for his teaching of general and advanced courses in poultry management and poultry sanitation and diseases by combining his studies of both poultry science and veterinary medicine; he received his B.S. degree from Alabama Polytechnic Institute, now Auburn University, in 1928, his M.S. degree from the University of Missouri in 1929, and in 1943 completed veterinary studies at Auburn, receiving the DVM degree; and

WHEREAS, during his almost half-century of dedicated labors to his profession, Dr. Cottier has been the recipient of

numerous local and national awards and honors; in 1968 he was awarded the prestigious Ralston Purina Teaching Award, has received national honors from the Poultry Science Association, and recently was named the outstanding teacher in the School of Agriculture by students of the Agricultural Council; and

WHEREAS, in addition to his responsibilities as a teaching professor, research also has been a major part of Dr. Cottier's career, with emphasis on poultry management, nutrition and diseases; he has been a prolific contributor to many popular and scientific publications, is in demand as a lecturer at numerous professional meetings and clinics throughout Alabama and the Southeast, and holds membership in a large number of poultry science and veterinary medicine organizations; and

WHEREAS, Dr. Cottier's deep involvement in worthwhile endeavors extends further to include active participation in all phases of religious, civic, community and fraternal affairs; in 1970 he became the 56th member of the living membership of Sigma Phi Epsilon fraternity to receive the "Order of The Golden Heart" in recognition of service; and

WHEREAS, he is devoted to his family and is beloved of them as he has been of his students throughout the years; he has been an exacting and demanding teacher, yet always with his students' best interests at heart, and his ability to learn and remember their names has become legendary on campus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Dr. G. J. Cottier for his long years of dedicated and outstanding service as an educator; we congratulate him on his retirement, wish him well in his duties as Professor Emeritus and in all future endeavors, and direct that a copy of this resolution be sent to him as evidence of our appreciation and high esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 421

S.J.R. 2—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ALLEN WILBERT
BAILEY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the untimely passing of Allen Wilbert (Al) Bailey of Gadsden; and

WHEREAS he was Vice President and Operations Manager of WJBY Radio Station; and

WHEREAS Al Bailey was active in community affairs being president elect of the Gadsden Exchange Club and Vice Chairman of Southside Citizens Advisory Committee of the East Alabama Regional Planning and Development Commission; and

WHEREAS his activity in community affairs extended to the Meadowood Community Club which he served as a past president and to the Gadsden Jaycees as a former member; and

WHEREAS he was a member of the Gadsden Masonic Lodge No. 236; and

WHEREAS Al Bailey exhibited a responsibility to the Southside Baptist Church as a deacon, a Sunday School teacher and a Brotherhood Director; and

WHEREAS Al Bailey was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Allen Wilbert Bailey and express our deep and sincere sympathy to his widow, Mrs. Sarah Bailey, to his daughters, Donna and Gina Bailey, and to his parents, Mr. and Mrs. Otha Bailey, to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 422

S.J.R. 3—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF FIREMEDIC MIKE PATRICK OF GADSDEN.

WHEREAS, on Tuesday, August 31, 1976, the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that among the victims of this tragedy was one of Gadsden's finest young citizens, Firemedic Michael A. Patrick; and

WHEREAS, Mike Patrick, as he was known to his friends and neighbors, had distinguished himself as a U. S. Air Force Veteran and member of the Alabama National Guard and Holy Name of Jesus Nursing School and for the past three years as an outstanding Firemedic with the Gadsden Fire Department; and

WHEREAS, Mike Patrick exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen; and

WHEREAS, Mike Patrick's enthusiasm for his work, his devoted services to his community, his positive attitude and personal charm endeared him to all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Firemedic Mike Patrick of Gadsden and express our deep and sincere sympathy to his widow, Mrs. Shirley B. Patrick, and his family to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 423

S.J.R. 4—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF FIREMEDIC MIKE THORNTON OF GADSDEN.

WHEREAS, on Tuesday, August 31, 1976, the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that among the victims of this tragedy was one of Gadsden's finest young citizens, Firemedic Michael Vann Thornton; and

WHEREAS, Mike Thornton, as he was known to his friends and neighbors, had distinguished himself as a Vietnam

Veteran from 1968 to 1970, and for the past four years as an outstanding Firemedic with the Gadsden Fire Department; and

WHEREAS, Mike Thornton was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his native Etowah County, state and country; and

WHEREAS, his youthful outlook, vivacity and warm personality served as an inspiration to all with whom he came in contact; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Firemedic Mike Thornton of Gadsden and express our deep and sincere sympathy to his widow, Mrs. Patsy Copeland Thornton, and his family to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 424

S.J.R. 5—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF GADSDEN FIRE CHIEF RALPH SPEER.

WHEREAS, on Tuesday August 31, 1976 the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that one of these victims was Gadsden's outstanding fire chief James Ralph Speer; and

WHEREAS, Chief Speer was a veteran firefighter who rose in the ranks of the Gadsden Fire Department; and

WHEREAS, Chief Speer was a devoted community builder who served his people with great love and dedication as a member of the Dwight Masonic Lodge and as a deacon in the North Gadsden Baptist Church; and

WHEREAS, Chief Speer was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Gadsden Fire Chief James Ralph Speer and express our deep and sincere sympathy to his widow, Mrs. Louise Barnes Speer, and his family to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 425

S.J.R. 6—Edwards

SENATE JOINT RESOLUTION

COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

WHEREAS, the keen insight and creative perception of Clete Quick made the North Alabama Legislative Council a reality in 1974; and

WHEREAS, the purpose of that Council was to enable the citizens to work more closely with their legislators and to express their feelings on matters of concern to North Alabama; and

WHEREAS, Mr. Quick spent countless hours, travelled over 10,000 miles and spent personal funds in developing, organizing and raising funds for the Council; and

WHEREAS, this fine Alabamian, who was born and raised in North Alabama, over a period of many years has spent great energies for the expansion and betterment of this region and all of its citizens; and

WHEREAS, Mr. Quick has been an influential leader in the civic and social life of his community; and

WHEREAS, Mr. Quick has contributed generously of his time, talents and means to the Tourism Bureau and Heart Association of Decatur and served as past president of the Alabama Mountain Lakes Association and currently is a member of the Board of Directors of the Decatur Chamber of Commerce; and

WHEREAS, the business acumen of Mr. Quick, owner and operator of radio station WMSL, has earned him the respect and admiration of all who know him; and

WHEREAS, because of the many talents, vision, dedicated

energies and leadership of Mr. Clete Quick, the North Alabama Legislative Council united legislators and citizens alike in effecting meaningful legislation and programs of concern for the people of North Alabama; and

WHEREAS, the legislators constituting the North Alabama Legislative Council wish to express their sincere respect for and admiration of Mr. Clete Quick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mr. Clete Quick of Decatur, Alabama, for his tireless energies, enthusiasm and devotion to the needs of the North Alabama region, its legislators and citizens and thank him for using his perception in developing and guiding the North Alabama Legislative Council.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clete Quick.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 426

S.J.R. 7—Bank

SENATE JOINT RESOLUTION

COMMENDING DR. RICHARD THIGPEN FOR HIS OUTSTANDING LEADERSHIP AS ACTING CHIEF OFFICER OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Richard Thigpen has selflessly served as the Acting Chief Executive Officer of the University of Alabama, since November, 1975; and

WHEREAS, under this native Alabamian's expert and conscientious administration and leadership the great University of Alabama has continued its unbroken tradition of excellence in education for which all citizens of this state are proud; and

WHEREAS, Dr. Thigpen has been associated for over a decade in various capacities at the University of Alabama, rising from a student to a professor of law, to Executive Vice President and chief administrative assistant, to Acting Chief Executive Officer; and

WHEREAS, Dr. Richard Thigpen used his determination and keen mind to earn an A.B. Degree in Political Science and History, an M.A. Degree in History, and a Juris Doctorate

degree in Law, all from the University of Alabama, and furthered his education, in spite of the arduous climate of New Haven, Connecticut, at Yale University Law School where he earned his master's in law; and

WHEREAS, this energetic, articulate, and friendly young chief executive is not only a widely known and respected educator, but his membership on national boards and associations, which are too numerous to list, exhibit his dedication to the betterment and welfare of people in all walks of life; and

WHEREAS, the high regard in which this perceptive, humble, but yet dynamic man is held, is reflected by the long list of awards and honors bestowed on him: Outstanding Educator of America, 1971; Graduate Fellow, Yale Law School, 1968; number one in graduate class at Yale Law School, 1969; selected to Outstanding Young Men in America, 1970 and 1971; selected Outstanding Young Man of Tuscaloosa by Tuscaloosa Jaycees and as one of four Outstanding Young Men by the Alabama Jaycees, both in 1975; Administrator Recognition ("Sui Generis") Award, by the University of Alabama Student Body in 1974; and an honorary L.L.D. Degree by the University of Alabama Board of Trustees, August 15, 1976; and these are but a very few of the well-earned distinctions which have brought honor to him; and

WHEREAS, the State of Alabama is indebted to Dr. Richard Thigpen for the manner in which he has carried out his responsibilities at the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Dr. Richard Thigpen on his outstanding performance as acting chief officer of the University of Alabama and express our admiration and appreciation for his inspirational commitment to duty and his concern for his fellow-man.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Richard Thigpen.

Approved May 11, 1977.

Time: 1:30 P.M.

**SERVICE AS UNITED STATES SECRETARY OF HEALTH,
EDUCATION AND WELFARE.**

WHEREAS, Dr. F. David Mathews was appointed United States Secretary of Health, Education and Welfare in 1975; and

WHEREAS, the native of Grove Hill, Alabama, is only the second Alabamian in modern times to serve as a member of a United States President's cabinet; and

WHEREAS, Dr. Mathews brought honor and distinction to his state, nation and to himself in exhibiting on a rare scale his outstanding intellectual and administrative endowments, in his conscientious and intelligent leadership of one of the federal government's most complex and gigantic agencies; and

WHEREAS, over the years Dr. Mathews has undertaken and spearheaded numerous and worthwhile endeavors; and

WHEREAS, Dr. Mathews, in spite of his youth, has been recognized for his many accomplishments in education and for his unique advancement through the ranks, over a twenty-year period, at his beloved University of Alabama as student, dean of men, history teacher, vice-president and president; and

WHEREAS, Dr. Mathews has earned the respect and admiration, ranging from students to prominent national leaders, for his openness, frankness and sensitivity for the needs of others; and

WHEREAS, Dr. Mathews has served with honor, distinction and effectiveness on numerous educational and civic boards, thereby contributing to the betterment of the citizens of our beloved state and nation; and

WHEREAS, the honors bestowed on this humble man of Herculean energy are too numerous to list but include: The Algernon Sidney Sullivan award (the single University of Alabama President to ever have received this distinction); memberships in Phi Beta Kappa, Newcomen Society, and the Alabama Academy of Honor; the 1975 State Citizen of the Year by the Alabama Exchange Clubs, and the Jaycees' selection as one of the nation's ten Outstanding Young Men in 1969; and

WHEREAS, the Alabama legislature wishes to commend Dr. F. David Mathews on a job well done and thank him for his selfless devotion and service to the citizens of our state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. F. David Mathews, who has long been a great source of pride for all Alabamians, is heartily commended for his distinctive service as United States Secretary of Health, Education and Welfare and for his inspirational dedication and tireless energies in many spheres of activity for the welfare and progress of our state and nation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. F. David Mathews and to the University of Alabama for its archives.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 428

S.J.R. 9—Jones

SENATE JOINT RESOLUTION

COMMENDING MARCIA KUNSTEL FOR HER "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVORS.

WHEREAS, Ms. Marcia Kunstel has been staff writer for *The Montgomery Advertiser* during the last twenty-three months; and

WHEREAS, Ms. Kunstel has worked diligently in covering the activities of the legislature and state government from "Capitol Hill"; and

WHEREAS, Ms. Kunstel, who began with *The Advertiser* in police reporting five years ago, has demonstrated unique sensitivity to fair political reporting; and

WHEREAS, Ms. Kunstel's columns have been read by thousands; and

WHEREAS, Ms. Kunstel has made a great contribution to the citizens of this State by keeping them informed of the affairs of their government; and

WHEREAS, Ms. Kunstel will be moving to Atlanta to assume new journalistic responsibilities and her vision in political news reporting will be greatly missed in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Ms. Marcia Kunstel for her out-

standing news coverage at "Capitol Hill" and wishes her much success in her new journalistic endeavors in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Marcia Kunstel.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 429 S.J.R. 12—Goodwin, Perry, Gilmore, Vacca, Mitchell, Miller, Mims, Little, Wilson, Littleton, Pearson, Clemon, Teague, McDonald (A), Owen, Perloff, Jones, Adams, St. John, Noonan, Edwards, Shelby, Powell, Roberts, McDonald (S), Bank, Fine, Ellis, King, McMillan, Waldrop and Stewart

SENATE JOINT RESOLUTION

NAMING A PORTION OF U.S. HIGHWAY 80 THE WALTER C. GIVHAN PARKWAY

WHEREAS Walter C. Givhan, a native of Perry County, was born May 7, 1902, attended schools in Linden, and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College; and

WHEREAS Walter C. Givhan was first elected to the Alabama House of Representatives in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms to the Alabama Senate, thus establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS Senator Givhan's record of service to his area and to Alabama is unprecedented: he was instrumental in the establishment of a system of trade schools and junior colleges throughout the state; he fought for an inland docks system; he was an advocate of an improved highway system; and for the thirty-eight years of his tenure in the legislature, every major piece of legislation that was beneficial to farmers had the Givhan support; and

WHEREAS Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 80 from Montgomery to the west boundary of Perry County be designated the Walter C. Givhan Parkway; and

BE IT FURTHER RESOLVED, That the Alabama Highway Department be ordered, and is hereby directed to designate the above described portion of U.S. Highway 80 in accordance with this Resolution.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 430

S.J.R. 281—Wilson

SENATE JOINT RESOLUTION

Memorializing Congress to allow regulation of surface mining of coal to remain in the hands of the states.

WHEREAS, coal is our nation's most abundant fossil fuel; and

WHEREAS, our nation faces an energy crisis of potentially devastating proportions, with coal being the only reliable and proven energy source available to meet our needs for the foreseeable future; and

WHEREAS, over one-half of our total coal production now comes from surface mines; and

WHEREAS, recognizing the necessity to properly control surface mining and reclamation operations, Alabama and thirty-seven other states, including all major coal-producing states, now have surface mining laws; and

WHEREAS, these laws are based on the desires and judgments of the citizens of the respective states, taking into account differences in climate, terrain, coal quality and quantity, transportation facilities, and other unique considerations; and

WHEREAS, there is overwhelming evidence that House Resolution 2 and similar bills before the Congress would result in reduced coal production, greater dependence upon foreign oil, increased unemployment in the coal-producing counties of Alabama and other states, and unnecessary economic disruptions throughout our nation; and

WHEREAS, the United Mine Workers of America voted overwhelmingly on September twenty-nine, nineteen hundred

seventy-six, at their Cincinnati, Ohio, convention to withdraw their previous support of federal coal and surface mining legislation; now, therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That regulation of coal surface mining and reclamation should remain the exclusive responsibility of the several states, and that Congress should refrain from forcing federal intrusion into this area which is, and ought to remain, a matter properly under the control of those citizens directly affected; and, be it

RESOLVED FURTHER, That the Secretary of the Senate is hereby instructed to send copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and the members of the Alabama delegation to the United States Congress as an expression of the sense of this body.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 431

S.J.R. 327—Perry

SENATE JOINT RESOLUTION

**MOURNING THE DEATH OF R. E. L. COPE, II,
PROMINENT BULLOCK COUNTY ATTORNEY.**

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death of R. E. L. Cope of Union Springs, Alabama, on April 12, 1977, at the age of 72; and

WHEREAS, Mr. Cope, who received his law degree from the University of Alabama, was a practicing attorney in Union Springs and Bullock County for more than forty years, and, at the time of his death was serving as both city and county attorney; and

WHEREAS, he was a former member of the Bullock County School Board, a former member of the Alabama Legislature, and served on the Pardons and Parole Board during the administration of Governor Chauncey Sparks; and

WHEREAS, R. E. L. Cope was a highly respected citizen of his community, county and state, a man of commendable actions and deeds who throughout his life gave generously of his time and talents to contribute invaluable to the civic,

educational and governmental affairs of our state; he will be greatly missed and remembered with admiration and deep affection by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. R. E. L. Cope and express our heartfelt sympathy to his wife, Mrs. Kathleen Hollingsworth Cope; his daughters, Ann Burton Wallace and Kathleen Harrell; to his son, Robert Cope, III, and other family members to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 432

S.J.R. 329—Fine

SENATE JOINT RESOLUTION

PROCLAIMING THE DATES OF APRIL 23 AND 24, 1977 AS "GEORGE LINDSEY DAYS"

WHEREAS, the Legislature of Alabama notes that George Lindsey's "Great Stars" Show for the benefit of the Alabama Special Olympics is to be held Saturday, April 23, 1977 at the Montgomery Civic Center, and the "Celebrity Golf Tournament" on Sunday at Arrowhead; and

WHEREAS, George Lindsey, a native of Jasper, Alabama, currently is in his fifth season as a regular on the popular "Hee Haw" television syndicated series, but is still known affectionately as "Goober" from his portrayal of the character of that same name on the "Mayberry RFD" series; and

WHEREAS, George "Goober" Lindsey not only has gained worldwide fame as an actor, comedian and recording artist, but also has received national recognition and the grateful appreciation of thousands of parents and children, countrywide, for his great and humanitarian efforts to promote the Alabama Special Olympics for the benefit of our "special" children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dates of April 23 and 24, 1977 are hereby proclaimed "George Lindsey Days" in Alabama, and we do strongly urge that all our citizens attend the "Great Stars" Show on Saturday, April 23 at the Montgomery Civic Center and the "Celebrity Golf Tournament" Sunday, April 24th at the Arrowhead

Country Club in wholehearted support of this most worthwhile project.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 433

S.J.R. 330—Edwards

SENATE JOINT RESOLUTION

CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL OF DECATUR FOR A THIRD CONSECUTIVE RECORD SETTING BLOOD DRIVE.

WHEREAS, the student body and staff of Austin High School of Decatur held a blood drive on March 31, 1977; and

WHEREAS, similar blood drives in 1975 and 1976 set national high school records; and

WHEREAS, the 1975 donation record was 1400 pints and the 1976 record was 1460 pints of blood; and

WHEREAS, the blood drive by Austin High School this year far surpassed its own national record with an unofficial total of 1,728 pints of blood; and

WHEREAS, the 1,728 pints of blood donated at Austin High School will be of great assistance in alleviating the current shortage at the regional blood center in Birmingham; and

WHEREAS, everyone involved in the Austin High School blood drive has performed a noble service for mankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the students and staff of Austin High School, especially blood drive co-chairmen Alan Smith and Kathy Williams, principal Bearl Whitsett and student council president Mark Klopfenstein for a third consecutive record setting blood drive.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above mentioned persons for their dedicated efforts.

Approved May 11, 1977.

Time: 1:30 P.M.

SENATE JOINT RESOLUTION

COMMENDING DENSEL BARNETT, CLEVELAND SMITH, BILLY RAY BOWLING AND COLEMAN SMITH FOR THEIR HEROIC, LIFESAVING RESCUE OF PATRICK BRAZIER.

WHEREAS, Mrs. Sue Brazier and her five-year old son Patrick were stranded on a flooded bridge in southwest Morgan County when the car in which they were riding stalled; and

WHEREAS, Mrs. Brazier and Patrick in their effort to reach safety stepped off the bidge and fell into the swirling water of the creek; and

WHEREAS, Mrs. Brazier and her son were in grave danger since neither of them knew how to swim; and

WHEREAS, Mrs. Brazier pulled herself to shore by grabbing a long limb, but Patrick was swept down the creek where his only hope of survival was to cling to a tree in midstream; and

WHEREAS, Densel Barnett, Cleveland Smith, Billy Ray Bowling and Coleman Smith responded to Mrs. Brazier's request for assistance; and

WHEREAS, these men risked their own lives in saving Patrick Brazier from the raging waters of the inundated creek; and

WHEREAS, the courage these men displayed in aiding one in need despite great personal risk is a shining example for us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Densel Barnett, Cleveland Smith, Billy Ray Bowling and Coleman Smith for their heroic, life-saving rescue of Patrick Brazier.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above mentioned persons for their meritorious deed.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 435

S.J.R. 334—Baker, Fine

SENATE JOINT RESOLUTION

REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.

WHEREAS, the Judicial Compensation Commission has submitted its recommendations to the Alabama Legislature for the salaries and expense allowances for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the commission are beyond the fiscal means of the state treasury; and

WHEREAS, pensions for retired judges and their widows are in proportion to salaries granted to the judiciary, and proposed increases in retirement benefits already amount to thousands of dollars annually for each retired judge and widow; and

WHEREAS, it is demanded of this body to see that fiscal responsibility prevails and that the State of Alabama immediately cease to operate beyond its means; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do repudiate and soundly reject the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Commission.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 436

S.J.R. 335—McDonald (A)

SENATE JOINT RESOLUTION

To establish the Limestone County Elected Officials Commission.

Be it Resolved by the Alabama Senate and the House of Representatives therefore concurring, that there be and hereby is established in Limestone County, a Commission to be known

as The Limestone County Elected Officials Commission, hereinafter called "The Commission".

The Commission shall be composed of six (6) members and a chairman. The members and chairman shall be appointed by The Limestone County Delegation.

The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve for a period of four years without compensation.

The objective of the Commission will be to provide information and recommendations regarding terms of office and salaries of Limestone County Elected Officials. The Commission shall report to the Limestone County Delegation upon request of the Limestone County Delegation and on the first legislative day of the 1979 Regular Session and on the first legislative day of the Regular Session of the Legislature thereafter on a biannual basis. The specific objectives and procedures of The Commission shall be described by The Limestone County Delegation.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 437

S.J.R. 337—Mitchell

SENATE JOINT RESOLUTION

NOTING THE RETIREMENT OF MISS LOUISE RICE AND COMMENDING HER FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, The Alabama Legislature has learned of the retirement of Miss Louise Rice, effective March 31, 1977, from the State Pardons and Parole Board in her position as supervisor of clerical personnel; and

WHEREAS, Miss Rice began her career of state service 42 years ago in the office of the Attorney General and, while with that department, was assigned to help form the newly-created Board of Pardons and Parole; she then went to work with the Board upon its inception and thus enjoys the longest tenure of any department employee; and

WHEREAS, she is a native of Autauga County residing in Prattville and a member of a prominent family of that community, her brother having served as probate judge; and

WHEREAS, Miss Rice is an active member of the First United Methodist Church of Prattville and further extends her interests and involvements to include participation in the many civic and charitable affairs of her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and praise Miss Louise Rice for meritorious service to the State of Alabama and direct that a copy of this resolution be sent to her that she may know of our appreciation and high esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 438

S.J.R. 338—Miller

SENATE JOINT RESOLUTION

CONGRATULATING KENNETH BRYAN, LIONS CLUB BOY OF THE YEAR.

WHEREAS, the Legislature of Alabama is pleased to note that Kenneth Bryan has been selected Boy of the Year by the Elba Lions Club, an award made on the basis of qualifications such as academic standing, poise and appearance, athletic ability, extracurricular activities and leadership, service to others in school, character, and exceptional achievement; and

WHEREAS, Kenneth, son of Mr. and Mrs. Wayland Bryan, is an Elba High School senior who is valedictorian of his class, with a grade point average of 98.65; he is a member of both Mu Alpha Theta and the Beta Clubs, Spokesman for the College Prep Bowl where Elba High placed second in overall competition, and Editor-in-chief of the yearbook staff; and

WHEREAS, also, he is a member of the Elba Marching Tiger Band, of which he is the trumpet section leader and first chair player, a member of the 1977 Allstate White Band, recipient of the 1976 John Philip Sousa Award and the DAR Good Citizen Award, and was a member of the 1977 Presidential Classroom for Young Americans in Washington, D. C.; and

WHEREAS, Kenneth is a member of the Elba First Baptist Church, actively and deeply involved as a member of the Youth Choir, the "Young Believers" musical ensemble, and is president of the Church Youth Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Kenneth Bryan for his many outstanding achievements and heartily congratulate him on being selected Elba Lions Club Boy of the Year.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Kenneth Bryan, and to his proud parents, Mr. and Mrs. Wayland Bryan, as a token of our admiration and high esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 439 S.J.R. 339—Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop

SENATE JOINT RESOLUTION

To name the engineering building on the campus of The University of Alabama in Birmingham Cudworth Hall.

WHEREAS, Dean emeritus James Rowland Cudworth of The University of Alabama College of Engineering rendered outstanding service to The University of Alabama and the State of Alabama as a Professor and Dean of Engineering from 1923 to his retirement in 1968; and

WHEREAS, Dean Cudworth provided leadership in the development of engineering education in the field of mining in Alabama and has been honored in his profession by receiving in 1972 the Erskine Ramsay Gold Medal of the American Institute of Mining Engineers and in 1975 The Distinguished Member Award of the American Institute of Mining and Metallurgical Engineers; and

WHEREAS, Dean Cudworth's foresight and encouragement played a significant role in the development of a degree program in Engineering in 1963 at The University of Alabama in Birmingham and particularly in the development funding and construction of its engineering building; and

WHEREAS, The Board of Trustees of The University of Alabama, subject to the concurrence and approval of this Legislature, has designated the engineering building on the campus of The University of Alabama in Birmingham, Cudworth Hall; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the engineering building of The University of Alabama in Birmingham is hereby named Cudsworth Hall in honor of Dean Emeritus James Rowland Cudworth.

BE IT FURTHER RESOLVED that the Secretary of the Senate send a copy of this resolution to Dean Cudworth.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 440 S.J.R. 340—Pearson, Wilson, Fine, Vacca,
McMillan, Ellis, Gilmore,
Clemon, Bank, Stewart, Roberts

SENATE JOINT RESOLUTION

To name the new basic sciences building in the Medical Center of The University of Alabama in Birmingham Volker Hall.

WHEREAS, Chancellor Joseph Francis Volker has served The University of Alabama System with competence and distinction with appointments as the first Dean of The University of Alabama School of Dentistry in 1948, the first Vice President of The University of Alabama for Birmingham Affairs in 1966, the first President of The University of Alabama in Birmingham in 1969 and the first Chancellor of The University of Alabama System on June 16, 1976:

WHEREAS, as a distinguished scientist, Dr. Volker conducted and published early original research in the use of flouride to prevent dental decay and later served as Director of Research and Graduate Studies in The University of Alabama Medical Center during the formative period of its outstanding development; and

WHEREAS, Dr. Volker has gained worldwide recognition as an educator and consultant, having been honored by numerous prestigious universities in this country and abroad, having been decorated by three foreign governments and having held numerous distinguished national and professional appointments; and

WHEREAS, under Dr. Volker's leadership The University of Alabama in Birmingham and its Medical Center have made great strides in achieving national and international preeminence through its outstanding faculty and staff, physical facilities, service and research programs, and graduates; and

WHEREAS, The Board of Trustees of The University of Alabama, in recognition of the contributions and accomplishments of Dr. Volker has, subject to the concurrence and approval of the Legislature, designated the new basic sciences building on the campus of The University of Alabama in Birmingham Volker Hall; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new basic sciences building of The University of Alabama in Birmingham is hereby named Volker Hall in honor of Chancellor of The University of Alabama System Joseph F. Volker.

BE IT FURTHER RESOLVED that the Secretary of the Senate transmit a copy of this resolution to Dr. Volker.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 441

S.J.R. 341—Edwards, Jones

SENATE JOINT RESOLUTION

WHEREAS Lieutenant Colonel Jack R. Quarles was a member of the Alabama National Guard for more than twenty-five years and was the senior full-time employee of the National Guard in Decatur for more than sixteen years; and

WHEREAS he was most recently the executive officer of the 142nd Signal Group; and

WHEREAS Lieutenant Colonel Quarles retired from the Alabama National Guard on December 31, 1976, after a service marked by exceptional duty performance and dedication; and

WHEREAS Sergeant Major James W. Flowers served as Sergeant Major of Company A, 1st Battalion, 20th Special Forces from January 1, 1966 to June 13, 1976 when he lost his life during a weekend training assembly; and

WHEREAS Sergeant Major Flowers was a soldier's soldier and an outstanding noncommissioned officer. His performance of duty, loyalty, and dedication reflected great credit upon himself and the military service and was in keeping with the

finest tradition of the military service of this county and of the Alabama National Guard; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that The National Guard Armory in Decatur is hereby designated and known as the Fort Quarles-Flowers Armory and appropriate markers displaying the name hereby established shall be erected.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 442

S.J.R. 342—Waldrop, Baker, Bank

SENATE JOINT RESOLUTION

NAMING THE CENTRE BYPASS IN CENTRE, ALABAMA, ON STATE HIGHWAY 68, IN COMMEMORATION OF CLARENCE E. CHESNUT, JR

WHEREAS, our beloved former colleague, Clarence E. Chesnut, Jr., died Wednesday, February 9, 1977, at the early age of fifty-one; and

WHEREAS, Clarence Chesnut, Cherokee-DeKalb State Representative from 1970 to 1974, was a native and lifelong resident of Gaylesville, Alabama, and at the time of his death was a merchant, farmer and ginner in partnership with his brother; and

WHEREAS, he was a member of the Farm Bureau and had served as Chairman of the Cherokee County Democratic Executive Committee for a number of years; he attended Vanderbilt University where he was a member of Kappa Sigma Fraternity, was a graduate of Birmingham Southern College, served with distinction during World War II in the United States Navy, and at one time was on the faculty at Gaylesville High School; and

WHEREAS, our friend and colleague was a lifelong member of the Gaylesville United Methodist Church; he had actively served his church through the years as Sunday School Superintendent, Men's Class teacher, as a member of the Official Board, on the Board of Trustees, as Lay Speaker and as Sunday School Treasurer; and

WHEREAS, we do sorely miss our beloved former colleague who was a prominent and influential leader in his community and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in memory of our friend who we long admired and respected, this body hereby names and designates the Centre Bypass on State Highway 68 in Centre, Cherokee County, Alabama, the "Clarence E. Chesnut, Jr. Bypass."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed immediately to erect and maintain appropriate signs and markers so designating said section of State Highway 68.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. Chesnut's wife, Peggy Odom Chesnut; to his sons, Richard, Randy, Danny and Tim; to his mother, Mrs. Mildred Henderson Chesnut; and to his brother, Emory Chesnut.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 443

S.J.R. 343—Owen

SENATE JOINT RESOLUTION

NAMING THE ROAD INTO WOOD ACRES FROM THE OLD BARWELL ROAD, COUNTY ROAD 3, WHICH CONNECTS WITH MARLOW ROAD, COUNTY ROAD 32, IN BALDWIN COUNTY, ALABAMA, "WOOD ACRES DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road into Wood Acres from the Old Barwell Road, County Road 3, which connects with Marlow Road, County Road 32, in Baldwin County, Alabama, "Wood Acres Drive."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said road.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 444

S.J.R. 344—Bank, Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton,

McDonald (A), McDonald (S),
 McMillan, Miller, Mims,
 Mitchell, Noonan, Owen, Pearson,
 Peden, Perloff, Perry, Powell,
 Roberts, St. John, Shelby,
 Stewart, Teague, Vacca, Waldrop,
 Wilson

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING BART STARR ON HIS SELECTION TO THE NATIONAL FOOTBALL HALL OF FAME, CANTON, OHIO

WHEREAS, Bryan Bartlett Starr, Head Coach and General Manager of the Green Bay Packers and member of both the Alabama and Wisconsin Halls of Fame, has been officially notified that he will be enshrined in the National Football Hall of Fame at Canton, Ohio, on July 30, 1977; and

WHEREAS, Bart Starr was born January 9, 1934 in Montgomery, Alabama; he grew up in Montgomery, graduating from Sidney Lanier High School where he played both football and baseball, and was named High School Football All American in 1952; and

WHEREAS, at the University of Alabama, where he graduated in 1956, he lettered in football all four years; he played in the Orange Bowl Game as a freshman in 1953, against Syracuse, against Rice in the Cotton Bowl in 1954, was named Outstanding Cadet in AFROTC, and was elected into Omicron Delta Kappa Honorary Fraternity, graduating with an almost 3-point four-year average, the highest scholastic average possible at Alabama; and

WHEREAS, Bart Starr became a quarterback with the Green Bay Packers professional football team in 1956, remaining with them until his retirement, then becoming Head Coach and General Manager in December, 1974. During his years of play with the Packers, they won six Western Division titles, five world titles, three of which were consecutive crowns, and the first two Super Bowl Championships, in both of which he was selected most valuable player; his jersey was formally retired in ceremonies in 1973, the first to be formally retired in Green Bay history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically and unanimously congratulate our native son, Bryan Bartlett Starr on his selection to the National Football Hall of Fame; we commend him on his many outstanding

awards and voice our appreciation for the fame and honor he has brought to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to him that he may know of our admiration and esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 445

S.J.R. 345—Owen

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM M. HODGSON,
PROMINENT BALDWIN COUNTY BUSINESSMAN.

WHEREAS, it is with regret that the Alabama Legislature notes the death of William M. Hodgson on April 20, 1977, at the age of 79, in Bay Minette, Alabama; and

WHEREAS, Mr. Hodgson, a native of Stockton, Alabama, had been a resident of Bay Minette for 60 years; he served for 46 years as an agent for Standard Oil Company, was a founder and former chairman of the board of directors of Standard Manufacturing Company, served as director of the Baldwin County Production Credit Association and as its chairman until 1975; and

WHEREAS, further, he was a founder and former director of the National Association of Soil and Conservation Districts and served as president of the Alabama Soil and Conservation Association; he also was active in the State Democratic Party as member of the Democratic Executive Committee for several terms, and was a member of the Baldwin County School Board; and

WHEREAS, Mr. Hodgson also worked with diligence and unswerving devotion to further the work and causes of his church and was Elder Emeritus in the First Presbyterian Church of Bay Minette; he was a man of integrity and dignity, loyal to his friends, devoted to his family, and will be deeply missed by us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William M. Hodgson and extend our heartfelt sympathy to his daughter, Mrs. J. L. Shannon of Birmingham; his sons, William M. Hodgson, Jr. and

Robert M. Hodgson; and other family members to whom copies of this resolution shall be sent.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 446

H.J.R. 559—Sparks, Drake

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE KENNETH JOHNSON GRIFFITH.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the death of Judge Kenneth J. Griffith on April 22, 1977, at the age of 69, in Cullman, Alabama; and

WHEREAS, Judge Griffith, who was a native of Cullman County and a graduate of the University of Alabama Law School, began the practice of law in Cullman in 1908 in partnership with his father, Judge A. A. "Quill" Griffith; and

WHEREAS, in 1949, he was appointed Probate Judge and was later elected, serving for ten years in that position; in 1958 he became circuit judge for the 32nd judicial circuit, retired in 1970, and was appointed supernumary judge for the State of Alabama, in which capacity he was serving at the time of his death; and

WHEREAS, Judge Griffith was a member of the Elks Club, a charter member of the Rotary Club, and had served as president of the Cullman Athletic Stadium Corporation which built the Cullman High School Stadium; in 1973, he also served as chairman of the Cullman Centennial Committee; and

WHEREAS, our good friend, Kenneth Griffith was a man who contributed much to his community, county and state; he was beloved of family and friends and will be deeply missed by us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judge Kenneth J. Griffith, extend our sincere sympathy to his family, and direct that copies of this resolution be sent to his wife, Mrs. Frances Boyd Griffith; his sons, Stephen Kenneth Griffith and Robert "Quill" Griffith; his daughter Janice, Mrs. Clark DeJonge of Falls Church, Virginia; and to his mother, Mrs. A. A. Griffith, that they may know of our shared sorrow.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 447

H. 1239—Johnson

AN ACT

To name the football stadium at Holt High School in Tuscaloosa, Alabama the "Woody Clements Stadium."

WHEREAS, Woody Clements is beginning his 26th year as head coach at Holt High School in Tuscaloosa; and

WHEREAS, Coach Clements is the "winningest" coach in West Alabama history with a career record at Holt High School of 152-83-7; and

WHEREAS, he is a man of high ideals who has touched and favorably influenced the lives of hundreds of the youth of Tuscaloosa and other citizens of his community; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. That the football stadium at Holt High School in Tuscaloosa, Alabama is hereby designated as the "Woody Clements Stadium."

Section 2. The proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in designating the said stadium as the "Woody Clements Stadium."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 448

H.J.R. 557—Edwards, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg,

Folmar, Ford, Gafford, Glass,
 Goodwin, Greer, Gregg, Hall,
 Harris, Harrison, Hill, Hilliard,
 Hines, Holley, Holmes (A),
 Holmes (D), Hopping, Howard,
 Jackson (F), Jackson (R),
 Johnson, Johnstone, Jolly, Kelley,
 Kennedy, Killian, Kinsey, Lee,
 Leonard, Lewis, Lockett, Lutz,
 McCluskey, McCulley, McMillan,
 McNair, McNees, Manley, Martin,
 Merrill, Mitchem, Moore (O),
 Moore (W), Morris, Naramore,
 Owens, Pegues, Plaster, Porter,
 Quarles, Reed, Rich, Riddick,
 Roberts, Robertson, Sundusky,
 Sasser, Shelton, Shoemaker,
 Smith (B), Smith (C), Smith (J),
 Smith (M), Sonnier, Sparks,
 Starkey, Taylor, Trammell,
 Tucker, Turnham, Venable,
 Waggoner, Warren, Weeks,
 Whatley, White, Williams, Wyatt,
 Younce

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF ROLAND COOPER,
 PROMINENT WILCOX COUNTY BUSINESSMAN, CATTLE
 FARMER, FORMER STATE SENATOR AND PROBATE
 JUDGE.**

WHEREAS, the Legislature of Alabama has been deeply grieved by the tragic death of our former colleague and beloved friend, Roland Cooper, on April 30, 1977, at the age of 63; and

WHEREAS, Roland Cooper, son of Mr. and Mrs. W. R. Cooper, was born and reared on a farm in Robertsdale, Alabama, was educated in the public schools of Baldwin County and moved to Camden in 1935 while employed by the State Highway Department; he later was a cattle farmer and had been the owner of an automobile dealership since 1945; and

WHEREAS, he was a prominent and powerful figure in local, county and state politics having served for two terms as mayor of Camden, was a delegate to the 1952 Democratic National Convention and was elected to five terms in the Senate, resigning during his fifth term to accept Governor George Wallace's appointment as Probate Judge of Wilcox County; during his tenure in the Senate, he served as chairman of numerous important committees, was an acknowledged

expert in parliamentary procedure, and was three times voted "Most Effective Senator" by the press, radio and television reporters; and

WHEREAS, Judge Cooper was further actively involved in many other governmental, business, civic, charitable and religious affairs of his community and state, serving as past president of the Alabama Automobile Dealers Association, past director of the Alabama League of Municipalities, as a member of the Board of Trustees of the University of South Alabama, and Chairman of the Wilcox Memorial Hospital Board; he was a Mason, Shriner, member of the Camden Exchange Club and of the Camden Baptist Church; and

WHEREAS, this Legislature, in its awareness and appreciation of Roland Cooper's many significant and lasting contributions to the State of Alabama, desires to pay tribute to this great leader; he will be deeply missed and long remembered with love, affection and esteem by his family, his many friends, and by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of our good friend, Roland Cooper, and extend our most heartfelt sympathy to the members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Stella Handly Cooper; his son, William Roland Cooper; his daughter Betty, Mrs. George Mathews of Montgomery; and to his daughter Judy, Mrs. Richard Shattuck of North Little Rock, Arkansas, that they may know of our concern for them, and that we share in their great loss.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 449

H.J.R. 336—Campbell, Killian

HOUSE JOINT RESOLUTION

REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.

WHEREAS, the Judicial Compensation Commission has submitted its recommendations to the Alabama Legislature for

the salaries and expense allowances for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the commission are beyond the fiscal means of the state treasury; and

WHEREAS, pensions for retired judges and their widows are in proportion to salaries granted to the judiciary, and proposed increases in retirement benefits already amount to thousands of dollars annually for each retired judge and widow; and

WHEREAS, it is demanded of this body to see that fiscal responsibility prevails and that the State of Alabama immediately cease to operate beyond its means; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do repudiate and soundly reject the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Commission.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 450

S.J.R. 347—Mims

SENATE JOINT RESOLUTION

COMMENDING WILBUR HARDEN, GRAND MASTER OF THE ALABAMA GRAND LODGE.

WHEREAS, Wilbur Harden has given unselfishly of his time and energy in service to Wetumpka Masonic Lodge #39, and

WHEREAS, Wilbur Harden has been elected Master of the Wetumpka Lodge three times; and

WHEREAS, he has gained the Scottish and York Rites; and

WHEREAS, Wilbur Harden has twice been chosen as Worthy Patron of the Fort Toulouse Eastern Star; and

WHEREAS, he was elected to a Grand Lodge Chair in 1974; and

WHEREAS, Wilbur Harden has progressed through the chairs so that on November 17, 1976, he was named Grand Master; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Wilbur Harden, Grand Master of the Alabama Grand Lodge, for his outstanding accomplishments and the well-deserved honors he has received.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Wilbur Harden.

Approved May 11, 1977.

Time: 1:30 P.M.

Act 451

S.J.R. 348—Mims

SENATE JOINT RESOLUTION

CONGRATULATING MR. BEN ROGERS LEE OF COFFEEVILLE, ALABAMA.

WHEREAS, Mr. Ben Rogers Lee of Coffeetown, Alabama, was recently a guest on the Mike Douglas Television Show; and

WHEREAS, Mr. Lee has been five times the world champion turkey caller; and

WHEREAS, Mr. Lee produces an outstanding line of turkey callers that are sold and distributed throughout the United States; and

WHEREAS, Mr. Lee is a renowned turkey hunter as well as turkey caller and manufacturer of calls; and

WHEREAS, this Legislature does desire to congratulate one of our native sons on his outstanding success in his chosen field of endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate Mr. Ben Rogers Lee of Coffeetown, Alabama, on the many trophies and the five world championships he has won as a turkey caller and we do congratulate him in his success in his chosen field of endeavor and do wish him every success in his future undertakings.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 452

S.J.R. 349—Owen

SENATE JOINT RESOLUTION

NAMING THE NEW LIVESTOCK DISEASE DIAGNOSTIC AND AGRICULTURAL CHEMICAL LABORATORY BUILDING OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES THE "GILMER-TURNHAM BUILDING"

WHEREAS, M. D. "Pete" Gilmer was serving as Commissioner of Agriculture and Industries when his untimely death occurred on January 12, 1974 and he had for many years been associated with the Department of Agriculture and Industries, having served as Assistant Commissioner of that Department during the four-year terms of three former Commissioners of Agriculture and Industries; and

WHEREAS, Pete Gilmer was responsible for many valuable and lasting contributions for the betterment and advancement of agriculture in Alabama during his long career of public service which included six years as a member of the House of Representatives of the Alabama Legislature representing Dallas County from 1956 to 1962; and

WHEREAS, while Pete Gilmer was serving as Commissioner of Agriculture and Industries, the Legislature of 1973 appropriated funds to erect and equip a building to house a modern livestock disease diagnostic laboratory and agricultural chemical laboratory facility which came about through his efforts and those of other agricultural leaders in Alabama; and

WHEREAS, Pete B. Turnham, a long-time member of the House of Representatives from Lee County, was a most active and effective spokesman for the appropriation of funds by the Legislature of 1973 for the construction of the livestock disease diagnostic and agricultural chemical laboratory for the Department of Agriculture and Industries at Auburn University; and

WHEREAS, Pete Turnham has been an active and effective leader for the progress of education and agriculture in the Alabama Legislature.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the new building now under construction at Auburn University for the livestock disease diagnostic and agricultural chemical laboratory be designated, named and known as the "Gilmer-Turnham Building" as a fitting tribute to two public officials who have rendered outstanding service to agriculture in the State of Alabama.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 453 S.J.R. 350—Pearson, McMillan, Gilmore,
Ellis, Clemon, Wilson

SENATE JOINT RESOLUTION

To encourage the University of Alabama in Birmingham to consider fielding a major basketball team.

WHEREAS, there is tremendous interest in basketball in the Birmingham area; and

WHEREAS, sports is instrumental in developing the whole person, and

WHEREAS, Birmingham high school teams have dominated the Alabama High School Basketball Tournament the past few years; and

WHEREAS, Lawson State has gone to the National Junior College Play-offs the past two years; and

WHEREAS, Birmingham has become a major college recruiting center; and

WHEREAS, the Civic Center Coliseum is an excellent facility for athletic events; and

WHEREAS, the University of Alabama in Birmingham is the only public senior college in the State that does not field a competitive basketball team; and

WHEREAS, a large number of students, business leaders and citizens desire to have a major college basketball team at U.A.B.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama encourage officials of the University of Alabama in Birmingham to give serious consideration to establishing a major college basketball team forthwith.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 454 S.J.R. 352—Wilson, Adams, Baker, Bank, Clemon,
Edwards, Ellis, Fine, Gilmore,
Goodwin, Higginbotham, Jones, King,
Little, Littleton, McDonald (A),
McDonald (S), McMillan, Miller,
Mims, Mitchell, Noonan, Owen,
Peden, Perloff, Perry, Powell,

Roberts, St. John, Shelby, Stewart,
Teague, Vacca, Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROLAND COOPER, PROMINENT WILCOX COUNTY BUSINESSMAN, CATTLE FARMER, FORMER STATE SENATOR AND PROBATE JUDGE.

WHEREAS, the Legislature of Alabama has been deeply grieved by the tragic death of our former colleague and beloved friend, Roland Cooper, on April 30, 1977, at the age of 63; and

WHEREAS, Roland Cooper, son of Mr. and Mrs. W. R. Cooper, was born and reared on a farm in Robertsedale, Alabama, was educated in the public schools of Baldwin County and moved to Camden in 1935 while employed by the State Highway Department; he later was a cattle farmer and had been the owner of an automobile dealership since 1945; and

WHEREAS, he was a prominent and powerful figure in local, county and state politics having served for two terms as mayor of Camden, was a delegate to the 1952 Democratic National Convention and was elected to five terms in the Senate, resigning during his fifth term to accept Governor George Wallace's appointment as Probate Judge of Wilcox County; during his tenure in the Senate, he served as chairman of numerous important committees, was an acknowledged expert in parliamentary procedure, and was three times voted "Most Effective Senator" by the press, radio and television reporters: he was affectionately referred to as the "Wily Fox from Wilcox"; and

WHEREAS, Judge Cooper was further actively involved in many other governmental, business, civic, charitable and religious affairs of his community and state, serving as past president of the Alabama Automobile Dealers Association, past director of the Alabama League of Municipalities, as a member of the Board of Trustees of the University of South Alabama, and Chairman of the Wilcox Memorial Hospital Board: he was a Mason, Shriner, member of the Camden Exchange Club and of the Camden Baptist Church; and

WHEREAS, this Legislature, in its awareness and appreciation of Roland Cooper's many significant and lasting contributions to the State of Alabama, desires to pay tribute to this great leader; he will be deeply missed and long remembered with love, affection and esteem by his family, his many friends, and by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA,

THE HOUSE OF REPRESENTATIVES CONCURRING, That we do grievously mourn the death of our esteemed former colleague, Roland Cooper, and extend our most heartfelt sympathy to the members of his family.

BE IT FURTHER RESOLVED, That a page of the Senate Journal be set aside to honor the memory of our beloved friend.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Stella Handly Cooper; his son, William Roland Cooper; his daughter Bett, Mrs. George Mathews of Montgomery; and to his daughter Judy, Mrs. Richard Shattuck of North Little Rock, Arkansas, that they may know of our concern for them, and that we share in their great loss.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 455

H.J.R. 358—Kinsey, McMillan

HOUSE JOINT RESOLUTION

NAMING SECTIONS OF HIGHWAY U. S. 90.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of Highway U. S. 90 which extends southward from the intersection of Highway U. S. 31 North to Interstate 10, and that part from the intersection of Highway U. S. 98 eastward to Baldwin County Road 66, "Old Spanish Trail."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said sections of Highway U. S. 90.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 456

H.J.R. 359—Kinsey, McMillan

HOUSE JOINT RESOLUTION

NAMING A SECTION OF HIGHWAY U. S. 31 NORTH.

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of Highway U. S. 31 North which extends from the east side of Blakeley River eastward to Baldwin County Road 181, "Spanish Fort Boulevard."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of Highway U. S. 31 North.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 457

H.J.R. 360—Kinsey, McMillan

HOUSE JOINT RESOLUTION

NAMING A SECTION OF STATE HIGHWAY 225.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of State Highway 225 extending northward from Highway U. S. 31 North to Baldwin County Road 138, "Blakeley Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of State Highway 225.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 458

H.J.R. 476—Pegues, Cooper, Falkenburg,
Killian

HOUSE JOINT RESOLUTION

EXTENDING APPRECIATION TO DR. MYRON D. FOTTLER FOR HIS REPORT PREPARED FOR THE LEGISLATIVE MEDICAID COMMITTEE

WHEREAS, at the request of the members of the Alabama Legislative Medicaid Committee, an analysis of the potential savings of returning to the 1972 Alabama State Medicaid Standards was prepared by Dr. Myron D. Fottler, associate

professor of the Graduate School of Business, University of Alabama; and

WHEREAS, this in-depth comprehensive study was undertaken and prepared by the eminently-qualified Dr. Fottler despite, and in addition to, the many exacting and demanding duties associated with his position at the University; and

WHEREAS, he is to be commended on the thoroughness of his research and on the excellence of his report which outlines the problems facing the State of Alabama with reference to the rising cost of the medicaid program, and encompasses conclusions, implications and recommendations of paramount interest to the committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, do deeply appreciate the invaluable contribution of Dr. Myron D. Fottler to his state, commend him for the excellence of his work, and direct that a copy of this resolution be sent to him that he may know of our gratitude.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 459

H.J.R. 529—Sasser

HOUSE JOINT RESOLUTION

NAMING THE TWO BRIDGES ON U.S. HIGHWAY 231 SOUTH, CROSSING PEA RIVER, "VETERANS MEMORIAL BRIDGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the two bridges on the southbound and northbound lanes of US Highway 231 South, crossing Pea River, "Veterans Memorial Bridge."

BE IT FURTHER RESOLVED That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said bridges on U. S. Highway 231 South.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 460 H.J.R. 567—Edwards, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce

HOUSE JOINT RESOLUTION

NAMING CAMDEN STATE PARK THE "ROLAND COOPER STATE PARK".

WHEREAS, our beloved former colleague, Roland Cooper, died April 30, 1977, at the age of 63; and

WHEREAS, Roland Cooper was elected to five terms in the Senate, during which time he served as chairman of numerous important committees and three times was named "Most Effective Senator" by members of the press corps, and radio and television reporters; he resigned his seat during his fifth term to accept an appointment as Wilcox County Probate Judge and, at the time of his death, was a prominent farmer and businessman in his home town of Camden; and

WHEREAS, Judge Cooper was a highly respected citizen of his community, county and state; he was a man of com-

mendable actions and deeds who gave generously of his time and talent to contribute invaluable to the civic, educational and governmental affairs of our state; and

WHEREAS, our friend Roland Cooper was the one person most instrumental in providing for the planning, development and construction of Camden State Park; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of our friend whom we long admired and respected, this body hereby names and designates Camden State Park as "The Roland Cooper State Park."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said state park.

RESOLVED FURTHER, That copies of this resolution be sent to Senator Cooper's wife and children: Mrs. Roland Cooper, William Roland Cooper, Mrs. George Matthews and Mrs. Richard Shattuck as a memento of this commemorative designation.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 461 H.J.R. 568—Callahan, Sonnier, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolley, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter,

Quarles, Reed, Rich, Riddick,
 Roberts, Robertson, Sanducky,
 Sasser, Shelton, Shoemaker,
 Smith (B), Smith (C), Smith (J),
 Smith (M), Sparks, Starkey,
 Taylor, Trammell, Tucker,
 Turnham, Venable, Waggoner,
 Warren, Weeks, Whatley, White,
 Williams, Wyatt, Younce.

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE GARY COOPER, COMMANDER OF THE 4th RESERVE BATTALION, 14th MARINES, 4th MARINE DIVISION.

WHEREAS, the Alabama Legislature notes, with pride, the announcement that Representative Gary Cooper of Mobile has been selected to take command of the 4th Reserve Battalion, 14th Marines, 4th Marine Division; and

WHEREAS, our esteemed colleague, representing the 103rd House District, is a graduate of the University of Notre Dame and a Mobile based insurance company executive who also actively participates in numerous Red Cross and YMCA projects in Mobile; he is a decorated Vietnam War Veteran who, as a United States Marine Corps Major, received two Purple Hearts and the Bronze Star while serving with valor, in combat, in Vietnam; and

WHEREAS, our friend Gary Cooper is a lieutenant colonel in the Marine Reserve and previously had commanded a Marine rifle company in combat and, after that, a Marine Reserve Unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Representative Gary Cooper on his latest command, that of a United States Marine Corps Reserve Battalion, and direct that a copy of this resolution be presented to him as a token of our profound esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

COMMENDING MRS. LOYCE D. WHITSON, OUTSTANDING SCIENCE TEACHER OF ALABAMA.

WHEREAS, the Legislature of Alabama has noted, with pleasure, that Mrs. Loyce D. Whitson was honored by being selected Outstanding Science Teacher of Alabama during the joint convention of the Senior Alabama Academy of Science and Alabama Junior Academy at the University of Alabama, April 7-9, 1977; recipients of this prestigious award are named by a panel of Senior Academy Members on the basis of merit of contributions to the science teaching field and work with the Junior Academy; and

WHEREAS, Mrs. Whitson, who is on the faculty of Winston County High School, is a member of the Alabama, National and Winston County Education Associations, the National Science Teachers Association, National Biology Teachers Associations, from which she received the Outstanding Teacher Award in 1974, serves as a review critic for the American Biology Teachers Magazine and, recently, chaired a task force committee for science programs for Teacher Educators on the direction of the State Board of Education; she is a member, also, and has served in offices of numerous other scientific and professional organizations; and

WHEREAS, Mrs. Whitson's involvement in the civic, charitable and religious areas of her community extends to include chairmanship of the Winston County Red Cross Blood Program, the Double Springs Church of Christ where she is Junior Sunday School Teacher, and many offices in other civic and educational organizations in the past; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Mrs. Loyce D. Whitson of Double Springs, Alabama, for outstanding service to her community, and in her field; we further congratulate her as the recipient of the Outstanding Science Teacher of Alabama Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Jack Herring for appropriate display at Winston County High School, and a copy to Mrs. Whitson and her husband, J. H. Whitson, that they may know of our deep appreciation and esteem.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 463

H. 235—Pegues

AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3243), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

“Section 3. Qualifications. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Culman, Perry, Bullock, Macon and Coffee Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this act.”

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 464

H. 1238—Crowe

AN ACT

Relating to the fourteenth judicial circuit; creating the position of investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the position of investigator for the district attorney's office of the fourteenth judicial

circuit. The investigator shall be appointed by, and serve at the pleasure of, the district attorney of said circuit. The investigator shall conduct criminal investigations in the fourteenth circuit and assist all law enforcement agencies in the fourteenth circuit in criminal investigations, at the direction of the district attorney. Said investigator shall also perform such other functions as may be required by the district attorney and he shall have all the powers of a deputy sheriff.

Section 2. The investigator shall receive \$14,000 per year as total compensation for all duties performed payable from the general funds of the county composing the fourteenth judicial circuit in equal bi-weekly installments as hereinafter provided. It is further provided that the investigator's salary shall be paid from available funds of the Alabama Law Enforcement Planning Agency, so long as such funds are available, or from such other federal, state or special funds as may now or hereafter be available for such purposes. So much of the salary of the investigator that is not available from the said Alabama Law Enforcement Planning Agency, or other federal, state or special sources, shall be payable, not to exceed the said limit of \$14,000 per year, from the county general fund as herein provided.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 465

S. 776—Owen

AN ACT

To amend the Title and Section 1 of Act No. 1186, H. 1273, 1975 Regular Session (Acts of 1975, p. 2318) entitled, "An Act Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis," so as to provide that all of the revenue from the lease of such land shall go to the state aeronautics department.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 1186, H. 1278, 1975 Regular Session (Acts of 1975, p. 2318), are amended to read as follows:

“An Act Relating to Lawrence County; requiring that all lands owned by the Alabama Department of Aeronautics in said county that are rented or leased shall be let on a competitive bid basis and that all funds received from said leases shall be paid to the Alabama Department of Aeronautics.

“Section 1. All of the net proceeds accruing under any agreement which rents or leases air base lands owned by the Alabama Department of Aeronautics in Lawrence County to a private individual, firm or corporation shall be deposited in the state treasury to the credit of the Alabama Department of Aeronautics. All such leases shall be let on a competitive bid basis.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 466 H. 548—Johnstone, Callahan, Kennedy, Glass,
Buskey, Sandusky, McMillan,
Sonnier, McCulley

AN ACT

Relating to Mobile County, to amend Section 1 of Act No. 87, H. 270, Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955 Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 87, H. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955, Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988) is hereby amended to read as follows:

“Section 1. The Judge of Probate of Mobile County may, in his discretion, create and establish such administrative divisions in his office as he may determine necessary or convenient in the efficient and expeditious performance of the functions

and duties of his office. He may assign functions and duties to such divisions, and may delegate to the chiefs thereof such powers as he may deem proper. The judge may reassign functions and duties between existing divisions. The chiefs of such divisions shall be appointed by the Judge of Probate, and shall serve at his pleasure, but shall not be related to him by blood or marriage. The salary of the chief of any such division shall not be less than \$6,000.00 annually nor more than \$12,500.00 annually, the amount to be fixed by the Judge of Probate, to be paid in equal installments, as the salaries of other county employees are paid. The chiefs of divisions provided for in this Act shall be in addition to any other clerks or assistants heretofore provided by law or approved and designated as such by the Mobile County Personnel Board. The Probate Judge may, in his discretion, abolish or discontinue any position existing in his office including the office of Chief Clerk of the Probate Court of Mobile County presently provided for by statute, upon the establishment of divisions as provided in this Act, but no such position shall be abolished without his approval."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 467

H. 580—Venable, Plaster

AN ACT

Relating to Elmore County; to provide for a chief deputy sheriff, an assistant chief deputy sheriff and other deputies sheriff of Elmore County, Alabama; and to provide for their compensation, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Elmore County shall be entitled to appoint one chief deputy sheriff, one assistant chief deputy sheriff and a minimum of four additional deputies sheriff, who shall all serve at the pleasure of the sheriff and shall be compensated as hereinafter provided.

Section 2. Each deputy sheriff of Elmore county who will on the effective date of this act have at least five years continuous service shall receive an annual salary of not less than seven hundred dollars (\$700.00) per month. Each deputy sheriff of Elmore County who will on the same date have at

least three years continuous service shall receive an annual salary of not less than six hundred seventy five dollars (\$675.00) per month. Each deputy sheriff of Elmore County with less than three years service shall receive an annual salary of not less than six hundred fifty dollars (\$650.00) per month. Provided further, that in addition to the applicable salary as hereinabove provided, the chief deputy sheriff shall receive an additional seventy-five dollars (\$75.00) per month salary and the assistant chief deputy sheriff shall receive an additional twenty-five dollars (\$25.00) per month salary.

Section 3. The salaries herein provided shall be payable from any county funds available for such purposes and shall be payable in addition to any expense allowances provided by law for such persons.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 49, H. 213, Regular Session 1957 (Acts 1957, p. 92) as amended, and Act No. 744, H. 1242, Regular Session 1976 (Acts 1976) are hereby specifically repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 468

H. 590—Holmes (A)

AN ACT

Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census, to redivide such counties into districts for the purpose of electing the county governing bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census. Must reside in his district at least six months prior to seeking district election and only those people that reside in each district shall be eligible to vote in said district.

Section 2. Any county to which this act applies is hereby divided into five districts numbered 1, 2, 3, 4 and 5 for the purpose of electing members of the county governing body. The five districts shall be described as follows:

District No.	Description	Total Population	Percent of Deviation
1	In the county to which this act applies:	33,642	+0.25
	Tract 1	1,215	
	Tract 2	4,545	
	Tract 3: Except ED 34	2,272	
	Tract 4: Except ED 38, 39, 41	5,859	
	Tract 6: Except Blocks 403, 404, 411, 501, 511 of ED 99; ED 100	4,447	
	Tract 7: Except Blocks 108, 202, 204, 205, 305, 306 of ED 124; ED 125, 126, and Blocks 401, 402, 403, 407, 408 of ED 127	2,894	
	Tract 14: ED 137, except Blocks 409, 411, 412, 413, 414, 514, 515, 516	515	
	Tract 15: ED 120, 121, 122, 123	2,958	
	Montgomery North Division:		
	All except ED 18, 20, 21	5,763	
	Tract 9	3,174	
	District 1 is composed primarily of Legislative District 77, except as amended below:		
	Deletions: Tract 5 ED 50; Blocks 409, 410, 411, 412, 413, 414, 514, 515, 516, from ED 137; Tract 14 ED 183 from Tract 26 ED 161, 162, from Tract 53, ED 185, 186, 187 from Fairview Division		
	Addition:		
	Tract 9		
2	In the county to which this act applies:	33,587	+0.09
	Tract 22: ED 156, 158	1,875	
	Tract 24: ED 73, Blocks 207, 208, 210, 211, 212, 213, 214, 301, 302, 303, 304	412	
	Tract 29	1,354	
	Tract 31	3,775	
	Tract 32	1,348	
	Tract 56: ED 145, 146C	413	
	Tract 53	751	
	Montgomery Division	3,027	
	Montgomery North Division:		
	ED 18, 20, 21	888	
	Mitylene Division	1,481	

Mount Meigs Division	2,318
Pike Road Division	3,775
Pine Level Division	1,798
Ramer Division	3,155
Hope Hull Division: ED 196, 197, 198, 199, 199B	6,995
Fairview Division: ED 185, 186, 187	221

District 2 is composed primarily of Legislative District 78, except as amended below:

Deletions: ED 157 Tract 22, Crenshaw County portion, and ED 117 of Montgomery North Division.

Additions: Montgomery Division:

Tract 18 ED 163
 Tract 19 ED 184
 Tract 25 ED 164
 Tract 27 ED 182
 Tract 9 ED 165
 Tract 30 ED 166, 167
 Tract 20 ED 173
 Tract 23 ED 170
 Tract 28 ED 178
 Tract 33 ED 181
 Tract 53
 Hope Hull Division ED 200
 Fairview Division ED 185,
 186, 187

District No.	Description	Total Population	Percent of Deviation
3	In the county to which this act applies:	33,447	—0.33
	Tract 3: ED 34	1,202	
	Tract 4: ED 38,39, 41	3,731	
	Tract 5	3,547	
	Tract 16	5,163	
	Tract 17	6,622	
	Tract 18	4,005	
	Tract 19	2,773	
	Tract 25	2,507	
	Tract 26	1,907	
	Tract 27	1,953	
	Tract 51: ED 25 B	27	
	Tract 54: ED 24	10	

District 3 is composed primarily of Legislative District 79, except as amended below:

Deletions: Montgomery Division:
 Tract 18 ED 163

Tract 19 ED 184
 Tract 25 ED 164
 Tract 27 ED 182
 Additions: ED 50 from Tract 5
 ED 183 from Tract 26

District No.	Description	Total Population	Percent of Deviation
4	In the county to which this act applies:	33,645	+0.26
	Tract 10	6,820	
	Tract 11	9,351	
	Tract 12	5,373	
	Tract 23: ED 76, Blocks 504, 505, 506, 508; ED 74, ED 75	2,249	
	Tract 24: Except ED 73, Blocks 207, 208, 210, 211, 212, 213, 214, 301, 302, 303, 304	4,670	
	Tract 30	1,432	
	Fairview Division: Except ED 185, 186, 187, 190, 191, 192, 193	3,750	

District 4 is composed primarily of Legislative District 80, except as amended below:

Deletions: Tract 9, Tract 13 ED 133
 Additions: Fairview Division: Except ED 185, 186, 187, 190, 191, 192, 193
 Tract 23: ED 74, ED 75, ED 76, Blocks 304, 504, 505, 506, 508

District No.	Description	Total Population	Percent of Deviation
5	In the county to which this act applies	33,469	—0.27
	Tract 6: Blocks 403, 404, 411, 501, 511 of ED 99; ED 100	482	
	Tract 7: ED 125, 126; and Blocks 401, 402, 403, 407, 408 of ED 127; and Blocks 108, 202, 204, 205 305, 306 of ED 124	990	
	Tract 13: ED 130, 131, 132, 133, 134	3,250	
	Tract 14: ED 135, 136, 138, 139, and Blocks 409, 410, 411, 412, 413, 414, 514, 515 of ED 137	3,628	
	Tract 15: ED 117, 118, 119	2,793	
	Tract 20	4,431	
	Tract 21	4,377	
	Tract 22: ED 151, 152, 153, 154, 155, 157	6,121	
	Tract 23: Except ED 74, ED 75, Blocks		

	304, 504, 505, 506, 508 of ED	
	76	2,116
Tract 28		2,545
Tract 33		2,736

District No.	Description	Total Population	Percent of Deviation
District 5 is composed primarily of Legislative District 81, except as amended below:			

Deletions: Montgomery Division

Tract 20 ED 173

Tract 23 ED 170

Tract 28 ED 178

Tract 33 ED 181

Additions: Tract 6: Blocks 403, 404, 411, 501, 511 of ED 99

Tract 7: Blocks 108, 202, 204, 205, 305, 306, of ED 124; ED 125; Blocks 401, 402, 403, 407, 408 of ED 127

Tract 13: ED 133; Blocks 409, 410, 411, 412, 413, 414, 514, 515, 516 of ED 137

Tract 22: ED 157

All tract, districts and enumeration districts (ED's) referred to herein are those adopted pursuant to the decree of August 31, 1973 from the United States District Court for the Middle District of Alabama, Northern Division entitled Sims, Farr, United States et al. vs. Amos, Pelham, Owen, et al.

The members of the county governing body of any county to which this act applies shall hereafter be elected from the five districts hereby created, one representative from each district.

Attached hereto as Appendix I, is a color-coded map, and each colored district will substantially correspond to the appropriate district herein described.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective January 1, 1980 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 469

H. 637—Sparks

AN ACT

Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act, the county commission of Cullman County shall be composed of three members who shall be nominated and elected by the qualified electors of the county at large. One member shall be elected for each district defined herein and such member shall be a resident and elector of the district from which such member is elected; however, the chairman of said commission shall be a resident and elector from anywhere in said county. The powers, duties, terms, compensation and manner of election for the members of said commission shall be the same as now provided by law, except as otherwise herein provided, and the incumbent commissioner shall continue to serve until the expiration of their current terms at which time their successors shall qualify as herein provided.

Section 2. Commissioner District One is described as follows: That area of the county which lies to the East of U. S. Highway 31.

Commissioner District Two is described as follows: That area of the county which lies to the West of U. S. Highway 31.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

 Act No. 470

H. 648—Wyatt

AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Ses-

sion 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

"Section 3. Qualifications. The person appointed as County Engineer or Chief Engineer of the Division of Public Roads within the meaning of this act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman, Montgomery and Coffee Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this act provided however, that the exemption for Montgomery County, as herein provided, shall expire on May 1, 1979.

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11. 1977.

Time: 1:30 P.M.

Act No. 471

H. 657—Carothers, Smith (J)

AN ACT

Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census; to further regulate the assessment and collection of ad valorem taxes on certain real properties in such counties which have been improved with a new residential structure constructed for re-sale or rental purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having a population of not less than 56,500 nor

more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census.

Section 2. Within such counties, any real properties which have been improved with newly constructed residential structures which have been constructed for the purpose of being sold as new single family residences, shall be exempt from the levy and collection of that portion of the ad valorem taxes due thereon, which can be directly attributed to any enhancement in value resulting from such improvements, for a period which shall extend from the date of commencement of construction on such structures until the date of first sale of such properties next following final inspection and approval of such structures by the municipal or county building inspector. Provided, however, that such exemption shall not be valid for longer than one year under any circumstances.

Section 3. Within such counties, any real properties which have been improved with newly constructed residential structures which have been constructed for the purpose of being rented as new single or multiple family residences shall be exempt from the levy and collection of that portion of the ad valorem taxes due thereon, which can be directly attributed to any enhancement in the value of such properties resulting from such improvements, for a period which shall extend from the date of commencement of construction on such structures until the date on which the municipal or county building inspector approves such structures for occupancy. Provided, however, that such exemption shall not be valid for longer than one year under any circumstances.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 472

H. 713—Clark

AN ACT

To amend Section 10 of Act No. 947, H. 1841 of the 1975 Regular

Session of the Legislature (Acts 1975, Vol. III, p. 1978) pertaining to additional unlawful acts in counties having populations of 10,660 or less according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 947. H. 1841 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 1978), entitled "Relating to all counties having populations of 10,660 or less according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table Wines" as herein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is amended as follows:

"SECTION 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940. No table wine shall be sold on any Sunday, and no table wine shall be sold on any primary election day, general election, special election or municipal election day until after the time fixed by law for the closing of polling places.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 473

H. 894—Roberts, Martin, Cross, Drake

AN ACT

Providing for a Board of Equalization and Adjustment of each county having a population of not less than 75,000, nor more than 90,000 according to the last or any subsequent federal decennial census, providing for abolishing the existing County Board of Equalization and transferring its duties to the Board of Equalization and Adjustment, further regulating the appointment and removal of the members of the Board, the terms of service, the compensation, the expense allowance of the members of the Board; the terms of service, the compensation, the expense allowance of the members of the Board; making further provision in regard to office space, office fixtures and supplies of the Board, and providing for the employment of clerks and other employees of the Board; providing for the severability of the provisions of the Act and for its effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Each county having a population of not less than 75,000 nor more than 90,000 according to the last or any subsequent federal decennial census shall have a Board of Equalization and Adjustment to be constituted as hereinafter provided and to consist of three members, each of whom shall have been a resident of the county for at least five (5) years, and which shall hereinafter be called "the Board".

Section 2. In such counties where this Act shall become effective, the Board of Equalization as now constituted is hereby abolished and the duties of such board are transferred to the Board.

(a) The term of office of the initial members of the Board shall commence upon their appointment and qualification and shall run until September 30, 1979, or until their successors have been appointed and have qualified. Thereafter, members of the Board shall hold office for a period of four years commencing October 1, 1979 and every four years thereafter, or until their successors have been appointed and qualified.

(b) The initial members of the Board shall be appointed within thirty days after the adoption of this Act, and their successors shall be appointed in August, 1979 and each four years thereafter.

Section 3. The membership of the Board shall be as follows: The county commission, the county board of education and the governing body of the largest municipality in the county shall each appoint one person to membership on the Board so that said Board shall be composed of three members.

Section 4. Each person appointed to membership shall, before entering upon the duties of such office, take and subscribe to the following oath, in addition to the oath required of regularly elected county official:

"I do solemnly swear that I will faithfully discharge the duties imposed upon me by law, as a member of the Board of Equalization and Adjustment, and that I will adjust, equalize and fix the taxable value of all property listed for taxation and submitted for review to the Board of which I am a member, on a basis of its fair and reasonable market value to the best of my knowledge and ability, so help me God."

Said oath, together with the other official oath required of such board member shall be filed for record in the office of the Judge of Probate.

Section 5. (a) The members of the board shall elect one of their number as Chairman. Should they fail to agree, the

appointing authorities shall select the Chairman. The appointing authority appointing a member of the board shall have the right to remove such member at any time without cause. Should a vacancy on the board occur, then the appointing authority which appointed said member shall appoint another person to fill the vacancy, except as herein otherwise provided. The time of service each year, and the compensation and expenses of the members of the Board shall be determined in accordance with the provisions of Section 94, Code of Alabama 1940, as Amended.

(b) The appointing authorities may increase by unanimous agreement the working period of the members of the Board beyond that fixed by Section 94, Supra, and may provide such additional compensation to the members as they may determine from time to time.

Section 6. The compensation of the members of the Board as provided for in Section 5(a) of this Act shall be paid by the governmental bodies and in the percentages as provided by Section 95, Code of Alabama 1940, as Amended. Additional compensation as authorized in Section 5(b) of this Act shall be paid one-third ($1/3$) by the county, one third ($1/3$) by the largest municipality in the county, and one-third ($1/3$) by the County Board of Education.

Section 7. Except as herein otherwise provided, the powers and duties and proceedings, the employees thereof and their compensation and payment, and inventory and the cost and payment therefor and all other matters pertaining to the County Boards of Equalization under Chapter 9, Title 51, Code of Alabama 1940, as Amended, shall be applicable to and governing the duties and activities of the Board herein constituted.

Section 8. Severability: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 474

H. 918—Johnson

AN ACT

To create the office of Deputy District Attorney No. 6 of the Sixth

Judicial Circuit and provide for the appointment, duties, and compensation of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy District Attorney No. 6 of the Sixth Judicial Circuit is hereby created. This Deputy District Attorney shall be appointed and shall serve at the pleasure of the District Attorney of the Sixth Judicial Circuit.

Section 2. The compensation of Deputy District Attorney No. 6 shall be in accordance with that salary schedule applying to the offices of Deputy District Attorney of the Sixth Judicial Circuit. Such compensation shall be paid from the funds of the county in which the duties of the office are performed, in equal installments as the salaries of other county officers are paid.

Section 3. No part of the compensation of Deputy District Attorney No. 6 shall be paid by the State of Alabama.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 475 H. 923—White, Waggoner, Biddle, Armstrong, Falkenburg, Andrews, Hilliard, Trammell, Hopping, Jackson (R), Hall, Moore (O), Gafford, McNair

AN ACT

To apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census; to empower the governing body of any such county to require the officer or department of the county issuing license tags or plates pursuant to Act No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts, 1975, pp. 1177-1178) to charge and collect a fee, not exceeding One Dollar (\$1.00), to cover the expense of issuing by mail the tabs, disks or other devices said Act No. 524 provides shall constitute evidence of payment of the license fee for the fiscal year indicated on such tab, disk or other device; to provide that such officer or department shall pay into the county treasury any fees collected under the Act; and to repeal all laws, whether general, special or local, in conflict herewith to the extent of any such conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State having a population of 500,000, or more, according to the last or any subsequent Federal census.

Section 2. As herein used, the following terms have the means hereby given them: "the county" means any county now or hereafter subject to this act: "Act 524" means Act No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts 1975, pp. 1177 and 1178): "Judge of Probate" means Judge of Probate of the county if he is authorized to issue the license tags or plates provided for by Act 524, or if he is not so authorized, "Judge of Probate" means that officer or department of the county so authorized; "tab" means a tab, disk, or other device which Section 1 of Act 524 provides shall, when affixed to a license plate or tag, be evidence of payment of the license fee due on the vehicle for fiscal year indicated on such tab; and "governing body" means the county board of revenue, county commission or other such governing body of the county.

Section 3. In addition to the other fees provided for by law the governing body shall be authorized to provide for the Judge of Probate to charge and collect a fee for each tab the Judge of Probate issues by mail. Such fee shall be in an amount sufficient to cover the actual expense of mailing application forms to owners of motor vehicles and tabs to the owners of vehicles; provided, however, that such fee shall not be in excess of One Dollar (\$1.00) for each tab issued by mail. The fee shall be paid with the mailed request for the tab. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tabs shall be paid from the county treasury upon warrant signed by the Judge of Probate and approved as provided by law. As a condition to issuing tabs by mail the Judge of Probate shall collect any such additional fee established by the governing body and shall pay all of such fees into the county treasury.

Section 4. All laws, whether general, local or special, in conflict with any provision of this Act are hereby repealed to the extent of any such conflict.

Section 5. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

in any solicitor's or district attorney's fund in the circuit shall be paid immediately into the Judges' and District Attorney's Fund; and to authorize certain expenditures from such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. All solicitor's and district attorney's fees hereafter taxed as cost and collected in all criminal cases in all courts in the first judicial circuit shall be paid by the clerk of the court collecting such fees into a fund to be designated as the Judges' and District Attorney's Fund, and shall be kept, used and expended in the manner hereinafter provided. Such payments shall be made to such fund by the clerk of the court by the 10th day of each month following the collection. All monies in any solicitor's or district attorney's fund in the circuit at the time of the passage of this Act shall be paid immediately into the Judges' and District Attorney's Fund herein provided, and shall be kept, used and expended in the manner hereinafter provided.

Section 2. The district attorney and circuit judges of the first judicial circuit are hereby authorized to requisition expenditures from the said Judges' and District Attorney's Fund for the payment of the following items:

(A) Office supplies, equipment, furniture, postage and telephone expenses, clerical, or bailiff expenses.

(B) Necessary expenses relative to obtaining evidence in any criminal or civil case, whether pending or under investigation.

(C) Film, photographs, maps, recording and dictating tapes.

(D) Actual travel expenses incurred while on the business of the office.

(E) Continuing legal, professional or judicial education and conferences, including actual expenses incidental thereto.

(F) Professional dues and assessments.

(G) Professional books and periodicals and newspapers for use of offices of district attorney and circuit judge of such judicial circuit.

(H) Witness fees and transportation costs.

(I) Informer fees.

(J) For any other law enforcement or crime preventive purpose.

(K) Any other expenditure incurred in the proper dis-

charge and conduct of the duties of the offices of the district attorney and circuit judge or of the circuit court.

The presiding judge of said circuit shall pay for such items from the Judges' and District Attorney's Fund upon such request and upon certification made to him by the judges or district attorney that the funds requested were, or are, to be used for the purpose enumerated in this subsection of this Act.

Section 3. All laws or parts of laws in conflict with this Act are repealed.

Section 4. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 477

H. 989—Sonnier, Callahan, Sandusky

AN ACT

To create and establish the Yacht Club Association of Alabama; to provide for its organization, powers and duties with respect to member clubs; to provide qualifications for admission of such member clubs to the state association; to provide a State Board of Commodores which shall govern the association and to prescribe their powers and duties; and to provide for the construction of an ocean racing sailing vessel to represent all of the state's yacht clubs, the people of Alabama, and the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Yacht Club Association of Alabama, which shall serve as a coordinating body for the yacht clubs of this state, and shall be charged with overseeing the activities and projects of member clubs, promoting boating and sailing in Alabama, and with the acquiring of an ocean racing sailing vessel to represent the state.

Section 2. The Yacht Club Association of Alabama shall be organized and chartered as a Social Club under the provisions of Code of Alabama 1940, Title 10, Article 5, and shall be deemed a non-profit corporation in accordance with the provisions of Code of Alabama 1940, Title 10, Chapter 10, or with any other laws applicable to such non-profit corporations.

Section 3. The Yacht Club Association of Alabama shall be composed of the Commodores or chief executive officers of any recognized yacht club in Alabama which has voted to enter the Association. Any yacht club in Alabama which has been chartered as provided by law, or which has formally adopted a constitution and by-laws, and whose principal purpose is to provide boating and sailing facilities for its members, shall be deemed a "recognized" yacht club within the meaning of this Act. Nothing in this Act shall be construed as requiring any yacht club to enter the Association.

Section 4. The chief executive officers of all member yacht clubs shall comprise the Board of Commodores of the Yacht Club Association of Alabama, and shall be its governing body. Said Board of Commodores shall elect one of their number to serve as State Commodore, or chief executive officer of the Yacht Club Association of Alabama, who shall serve as provided in the Constitution of the Association. Said Constitution, along with proper by-laws, shall be adopted by the Board of Commodores within ninety (90) days after the effective date of this Act, and shall incorporate the purposes of this Act.

Section 5. The Board of Commodores of the Yacht Club Association of the State of Alabama shall have the authority to solicit and receive funds from any private or public source and to make application for loans or grants from any private or public institution or agency. The Board may enter into contracts, purchases, leases or any transaction necessary to promote boating and sailing in Alabama and to comply with the provisions of this Act. The Board is hereby specifically charged with constructing, purchasing, or otherwise acquiring an ocean racing sailing vessel, and with operating and maintaining said vessel. Such vessel shall be the official sailing craft of the Yacht Clubs of Alabama, and which shall be entitled to bear the official state seal of Alabama on its hull and to fly a distinctive ensign. Said ensign shall be designed by the Board of Commodores and adopted as the official ensign of the Yacht Clubs of Alabama, and may be flown only by the official sailing vessel as provided above.

Section 6. All laws or parts of laws in conflict herewith are expressly repealed.

Section 7. This Act shall become effective immediately on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 478

H. 997—Venable, Plaster

AN ACT

To amend further Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), entitled "An Act To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis and providing for the operation of their offices on such basis," so as to authorize additional clerical help for certain officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), is amended to read as follows:

"Section 2. The court of county commissioners, board of revenue, or other like governing body of Elmore County, shall provide compensation for clerks, assistants and secretaries for the offices of the Judge of Probate, Tax Assessor and Tax Collector in such number as may be necessary for the efficient conduct of their offices; provided, the Judge of Probate shall be allowed four full-time clerks, the Tax Assessor shall be allowed three full-time clerks and the Tax Collector shall be allowed two full-time clerks. Each officer shall appoint his own deputy, clerk, secretary, and assistant, and shall fix their compensation, subject to the approval of the board of revenue, county commissioners, or other like governing body as to number and rate of pay, except as herein otherwise provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 479

H. 998—Venable, Plaster, Smith (C)

AN ACT

To fix the compensation for bailiffs of courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

Be It Enacted by the Legislature of Alabama:

Section 1. In the Nineteenth Judicial Circuit, bailiffs actually serving in court shall each receive twenty dollars (\$20.00) a day for every day he serves, which shall be paid out of that county treasury in which county such bailiffs serves, on the certificate of the presiding judge showing that the bailiff's service was necessary.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This law shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 480

H. 1248—Biddle

AN ACT

To provide for the alteration or rearrangement of the boundary lines of the City of Fultondale in Jefferson County, Alabama, so as to include within the corporate limits of said City of Fultondale, the territory in said county now without the corporate limits of any city or town; commonly known as the Belcher Property and to provide that said property shall be a part of the City of Fultondale, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this act, the term "City of Fultondale corporate territory" shall mean the territory in Jefferson County, Alabama now comprised with the corporate limits of the City of Fultondale and the term "Belcher Property" shall mean the territory contiguous to the City of Fultondale and without the corporate limits of any city or town in Jefferson County, Alabama as described by metes and bounds in Section 2 of this act.

Section 2. That upon the adoption of this act as required by law the corporate limits of the City of Fultondale, Alabama shall be altered are rearranged so as to include the following described territory within the corporate limits of the City of Fultondale. The said territory is described as follows:

Commence at the Southeast corner of Section 19, Township 16 South, Range 2 West, which is the point of beginning; thence run north along the east said section line to the northeast corner of the southeast quarter of the Northeast quarter of Section 19, Township 16 Range 2 West; thence run east along the south quarter-quarter line of the northwest quarter of the northwest quarter of Section 20, Township 16 South, Range 2 West, to the southeast corner of said quarter-quarter section; thence run south along the west quarter-quarter section line of the southeast quarter of the northwest quarter of said section to the southeast corner of said quarter-quarter section; thence run east along the south line of said quarter-quarter

section to the southwest corner of the southwest quarter of the northeast quarter of said section; thence run east along the south said quarter-quarter section of Section 20, Township 16 South, Range 2 West; thence run north along the east line of said quarter-quarter section to the southwest corner of the northeast quarter of the northwest quarter of Section 21, Township 16 South Range 2 West; thence run east along the south line of said quarter-quarter section to the north west corner of the northeast quarter of the southwest quarter of the NW quarter of Section 21, Township 16 South, Range 2 West; thence run south along said quarter-quarter-quarter section line 820 feet more or less; thence run west on a line parallel to the south quarter-quarter section line 660 feet more or less to the west quarter-quarter section line; thence run south to the southwest corner of the southwest quarter of the northwest quarter of Section 21, Township 16 South, Range 2 West; thence run east along the south line of said quarter quarter section to the southeast corner of said quarter-quarter section; thence run north along the east line of said quarter-quarter section to the southwest corner of the northeast quarter of the northwest quarter of said section; thence run east along the south line of said quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east line of said quarter-quarter section to the southeast corner of the southwest quarter of Section 16, Township 16 South, Range 2 West; thence run north along the east line of said quarter section of the southwest corner of the north east quarter of said section; thence run east along the south line of said quarter section to the south east corner of said quarter section; thence run north along the east line of said quarter section to the southeast corner of the southeast quarter of the southeast quarter of Section 9, Township 16 South, Range 2 West; thence run north along the east line of said quarter-quarter section to the northeast corner of said quarter-quarter section; thence run west along the north line of said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run in a northeasterly direction to the southeast corner of the northeast quarter of the northeast quarter of Section 9, Township 16 South, Range 2 West; thence run north along the east quarter-quarter section line to the southwest corner of the southwest quarter of the southwest quarter of Section 3, Township 16 South, Range 2 West; thence run in a northeasterly direction to the southeast corner of the northwest quarter of the southwest quarter of said section; thence run north along the east said quarter-quarter section line to the northeast corner of said quarter-quarter section; thence run in a southwesterly direction to the southeast corner of the northeast quarter of the southeast quarter of Section 4, Township 16 South, Range 2 West; thence run north along the

east line of said quarter-quarter section to the northeast corner of said quarter-quarter section; thence run west along the north line of said quarter-quarter section to the southeast corner of the southwest quarter of the northeast quarter of said section; thence run north along the east line of said quarter-quarter section to the southeast corner of the north west quarter of the northeast quarter of said section; thence run north along the east line of said quarter-quarter section to the northeast corner of said quarter-quarter section; thence run west along the north line of said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west line of said quarter-quarter section to the northwest corner of the southwest quarter of the northeast quarter of said section; thence run south along the west line of said quarter-quarter section to the northwest corner of the northwest quarter of the Southeast quarter of said section; thence run south along the west line of said quarter-quarter section of the southwest corner of said quarter-quarter section; thence run east along the south line of said quarter-quarter section of the northwest corner of the southeast quarter of the southeast quarter to said section; thence run south along the west line of said quarter-quarter section to the northwest corner of the northeast quarter of the northeast quarter of Section 9, Township 16 South, Range 2 West; thence run south along the west line of said quarter-quarter section to the northwest corner of the southeast quarter of the northeast quarter of said section; thence run south along the west line of said quarter-quarter section to the northeast corner of the northwest quarter of the southeast quarter of said section; thence run west along the north line of said quarter section to the northwest corner of the northeast quarter of the northwest quarter of the southeast quarter; thence run south along the west line of said quarter-quarter-quarter section to the northwest corner of the northeast quarter of the southwest quarter of the southeast quarter of said section; thence run south along the west line of said quarter-quarter-quarter section to the northeast corner of the northwest quarter of the northwest quarter of the northeast quarter of Section 16, Township 16 South, Range 2 West, thence run west along the north line of said section to the northwest corner of said section; thence run south along the west line of said section to the northeast corner of the southeast quarter of Section 17, Township 16 South, Range 2 West; thence run along the north line of said quarter section to the northwest corner of the northwest quarter of the southeast quarter of said section; thence run south along the west line of said quarter-quarter section to the northeast corner of the southeast quarter of the southwest quarter of said section; thence run west along the north line of said quarter-quarter section to the northwest corner of said quarter-quarter section;

thence run south along the west line of said quarter quarter section to the northeast corner of the northwest quarter of the northwest quarter of Section 20, Township 16 South, Range 2 West; thence run west along said quarter-quarter section line to the northeast corner of the northeast quarter of the northeast quarter of Section 19, Township 16 South, Range 2 West; thence run west along the north line of said section to the east right of way of the L & N Railroad; thence southwest along said right of way to the northwest corner of Lot 280-A, New Castle Number 4; thence run southeast to the northeast corner of Lot 280; thence southwest along the east line of Lots 280, 261-A, 262-A, 540 feet more or less to the northwest corner of Lot 265; thence southeast 44 feet to the northeast corner of said lot; thence southwest 275.4 feet to the southeast corner of said lot; thence northwest 44 feet to the northeast of Lot 270-A; thence southwest to the southeast corner of Lot 267-A; thence southeast along the north line of Lot 278 to the east right of way of Water Street; thence northeast to the northwest corner of Lot 287-A; thence southeast to the southeast corner of Lot 294; thence northwest along southwest along said right of way to the northeasterly line southwest along said right of way to the northeasterly line of Gardendale-Springdale Road; thence southeast along the northeasterly line of said Road 120 feet more or less; thence southwesterly to the southwesterly line of said road and the southeasterly right of way line of Church Street; thence continue along the southeasterly right of way line of said street to the northwest corner of Lot 312; New Castle Number 4; thence southeast 157.5 feet to the northeast corner of said lot; thence southwest 210 feet to the southeast corner of said lot; thence northwest 157.5 feet to the southwest corner of said lot thence southwest to the southeast corner of Lot 322; thence northwest along the south line of Lots 322, 321-A, 321-B, to the east line of the L & N Railroad; thence south along the east right of way of said railroad 1,170 feet more or less; thence northwest to the northeast corner of Lot 19, Darlene Estates; thence northwest along the north line of said lot to the east right of way line of New Castle Road; thence southwesterly to the west line of said road and the north right of way of Oak Street; thence westerly along the north line of Oak Street 203.6 feet to the present City Limits of the City of Fultondale; thence southwest along said city limits to the northwest corner of Lot 13, Darlene Estates, First Addition; thence east along the north line of said Lot 252.67 feet to the west line of New Castle Road; thence continue on same course to the east right of way line of said road; thence southwest along said right of way of the southwest corner of Lot 21; Darlene Estates; thence southeast along the south line of said lot to the east right of way of the L & N Railroad; thence south on

the east line of said right of way to the south line of Section 19, Township 16 South, Range 2 West, thence east on the south line of said quarter section to the southeast corner of Section 19, Township 16 South, Range 2 West, to the point of beginning.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 481

H. 1136—Venable, Plaster

AN ACT

Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Elmore County shall devote his entire time to the public school business of Elmore County and shall receive as compensation for his services a salary of \$21,800 per annum which shall be paid at the times and in the manner provided by the general laws of this state for the payment of salaries of other county superintendents of education. In addition to the salary, the county superintendent of education shall also be compensated for all actual business expenses incurred by him in the performance of his duties within or outside the county, provided such expenses are approved by the county board of education. Such compensation and expenses shall be payable from the public school funds of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall become effective upon the expiration of the present term of the present county superintendent of education or upon his resignation, death or removal from office.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 482

H. 1137—Warren

AN ACT

Relating to Conecuh County; providing further for hospital service for the indigent in such county; authorizing the hospital board certain authority to order to induce physicians to serve on the staff and practice as staff members of the hospital and in the county.

WHEREAS, it is extremely difficult to secure physicians to practice in a county as small as Conecuh and to serve on the medical staff of the Conecuh County hospital; and

WHEREAS, it is in the best interest of the health, welfare and well being of the citizens of Conecuh County that the Hospital Association of Conecuh County does all in its power to induce physicians to practice in the county and to serve as staff members of the Conecuh County Hospital; and

WHEREAS, the legislature in the exercise of its inherent police power to protect the health, welfare and well being of the citizens of Conecuh County do enact the following statute; viz:

Be It Enacted by the Legislature of Alabama:

Section 1. The Hospital Association of Conecuh County, Alabama, is hereby authorized to use any available monies from any sources, any facilities or means of the said association, and to enter into any agreements as deemed necessary by the executive committee of said association, for the purpose of providing any inducement to, or carrying out any agreements with, any physician willing to practice medicine in Conecuh County, and serve as a medical staff member of the Conecuh County Hospital.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 483

H. 1139—McNees

AN ACT

To amend Act No. 833, H. 1791, Regular Session 1973 (Acts 1973, p. 1329) which act relates to certain compensation and expense allow-

ance provisions for superintendents and members of county boards of education in counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for an expense allowance for members of such boards.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 2 of Act No. 833, H. 1791, Regular Session 1973 (Acts 1973, p. 1329) are hereby amended to read as follows:

“An Act Relating to the boards of education in counties having populations of not less than 14,000 nor more than 15,000, according to the most recent federal decennial census, providing an expense allowance for the superintendents and members of such boards, and providing daily compensation for members of such boards when such boards meet officially to transact business.

“Section 2. The members of the board of education of such counties shall be compensated at the rate of \$25.00 per day for each day's attendance at official meetings of such boards and shall each receive \$15 per month as an expense allowance; said compensation and expense allowances to be payable from funds available to the County Board of Education.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 484

H. 1140—McNees

AN ACT

Relating to all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the fee

for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided for in Code of Alabama 1940, Title 14, Section 177, shall be ten dollars (\$10) which shall be collected by the sheriff.

Section 3. Any and all monies collected under Section 2 of this act shall be deposited by the sheriff in any bank located in such county, into a fund known as the sheriff's fund.

Section 4. The sheriff's fund as provided in Section 3 of this act shall be drawn upon by the sheriff or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

Section 5. The establishment of the sheriff's fund as provided in this act and the use of such funds shall in no way diminish or take the place of other imbursement or other income established for the sheriff or the operation of his office.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 485

H. 1141—Moore (O), Waggoner, Smith (C)

AN ACT

Relating to counties having populations of not less than 36,500 nor more than 39,200 according to the 1970 or any subsequent federal decennial census; to allow tax assessment on a year round basis in any such county and the probate judge to make available to the tax assessor any deed recording transaction within 30 days of the recording date.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 36,500 nor more than 39,200 according to the 1970 or any subsequent federal decennial census.

Section 2. In all counties to which this act applies, the tax assessor shall have the right and authority at any time

during the year to make an assessment of any lot or parcel of land, together with the improvements thereon, assessing the same to the party last assessing said property as shown by the tax assessor's records in said county, or to the owner of record. The assessment shall show a description of the property assessed, the name of the owner to whom said property is assessed, the assessed valuation for the preceding tax year and such other information as the assessor deems proper for the proper assessment of said property.

Section 3. In all counties to which this act applies, the probate judge is to make available to the tax assessor of any deed recording transaction within 30 days of the recording date.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 486

H. 1223—Dial

AN ACT

To provide for purging the lists of registered voters in Clay County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Clay County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Clay County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove

from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1978, the board of registrars of Clay County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and re-identify themselves. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and re-identify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and re-identify themselves in the manner prescribed herein. No voter shall appear and re-identify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may re-identify himself by appearing

in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and re-identify themselves in the manner herein prescribed shall be stricken from the lists, provided, that said board shall not strike the name of any person or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Clay County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and re-identify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have re-identified himself at least ten days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Clay County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The court of county commissioners of Clay County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided.

Section 9. The questionnaire to re-identify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Clay County, Alabama

Date _____, 197_____

Name			
	First	Middle	Last

Legal Residence Address Street

City or Town

State _____

Date of Birth Sex

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. for the
past months.

Signed.....

Signature of Voter

Sworn to and subscribed before me this day of
....., 19.....

Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its other-

wise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 487

H. 1226—Clark

AN ACT

To authorize the governing body of Greene County, Alabama, to set an election in said county for the purpose of determining whether or not the said governing body of Greene County may levy an additional privilege or license and excise and sales tax for a period of ten years equaling one percent and paralleling such state taxes as are provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and the Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection thereof; providing that the revenues arising from any levy made by said governing body of said county under authority of this Act shall be made to the Greene County Hospital Board for the operation and maintenance of the Greene County Hospital and Nursing Home in said county; and providing certain exemptions from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Greene County, Alabama, is hereby authorized to set an election of the qualified voters of said county for the purpose of determining whether or not such governing body shall levy an additional privilege or license and excise and sales tax to be in force and effect for a period of ten years.

Section 2. The Greene County Commission shall levy a special privilege or license tax as follows:

(a) Upon every person, firm or corporation engaged or continuing within Greene County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(b) Upon every person, firm, or corporation engaged or

continuing within Greene County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association or school), skating rink, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description conducted or carried on with Greene County, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm, or corporation engaged or continuing within Greene County in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to three-eighths ($\frac{3}{8}$) of one percent of the gross proceeds of the sale of said automotive vehicle, truck trailer, semi-trailer, or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer, or house trailer, is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

Section 3. (a) An excise tax may be imposed by the Greene County Commission on the storage, use or other consumption in Greene County of tangible personal property purchased at retail on or after the date this Act becomes effective, for storage, use or other consumption in such county at the rate of one percent of the sales price of such property, except as otherwise provided as follows:

(b) An excise tax may be imposed by the Greene County Commission on the storage, use or other consumption in Greene County of any automotive vehicle, truck trailer, semi-trailer, or house trailer, purchased at retail on or after the date this Act becomes effective, for storage, use or other consumption in Greene County, at the rate of three-eighths ($\frac{3}{8}$) of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer.

(c) Every person, storing, using, or otherwise consum-

ing in Greene County any tangible personal property purchased at retail shall be liable for the tax imposed by subsection (a) or (b), above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, the state sales tax law, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof. The tax levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the tax will be on the consumer rather than on the retailer.

(c) Exempted from the provisions of the Act are the gross proceeds of the sale of machines in Greene County used in mining, compounding, processing, and manufacturing of tangible personal property; provided, that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used.

(b) No excise tax may be imposed upon the storage, use or other consumption in Greene County of any machine used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machine attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) The gross proceeds of sales of laboratory materials sold to licensed dentists and optometrists, when such materials are used in rendering professional service, and the storage, use or consumption of such materials, shall also be exempted from the taxes levied or imposed under this Act.

Section 5. (a) The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. All reports now required to be made to the Commissioner of Revenue hereunder shall, on request made to the Department of Revenue, be made available for inspection by the Greene County Commission or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the tenth day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Greene County during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to Greene County, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Greene County and paid into the State Treasury.

(b) The State Department of Revenue shall charge Greene County for collecting the special taxes levied by this Act such amount of percentage of total collections as may be agreed upon by the Commissioner of Revenue and Greene County governing body, but such charge shall not, in any event, exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each month from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes due Greene County for that month.

Section 6. All revenues arising from the taxes herein levied shall be paid to the Greene County Hospital Board for the

operation and maintenance of Greene County Hospital and Nursing Home.

Section 7. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Greene County.

Section 8. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Greene County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general, special, or primary election held in the county after final passage of this Act. Notice of the election shall be given by the judge of probate of Greene County, which notice shall be published once a week for three consecutive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the Greene County governing body to levy an additional privilege or license and excise and sales tax equaling one percent for a period of ten years to be used for the operation and maintenance of Greene County Hospital and Nursing Home? Yes () No ()"

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately. If a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Greene County shall certify the results of the election to the Secretary of State and to the Commissioner of Revenue.

Section 9. This Act shall continue in force and effect for a period of ten years and thereafter shall have no force and effect.

Section 10. If any provision of this Act, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to such person or circumstance, other than those as to which it is held invalid, shall not be affected thereby.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall go into effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 488

H. 1227—Clark, Manley

AN ACT

Relating to Greene County; authorizing the county to transfer the Coleman-Banks House to the Greene County Historical Society or any other historical preservation society in Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. Greene County is hereby authorized to transfer the Coleman-Banks House, a property on the National Register of Historic Places, to the Greene County Historical Society or any other historical preservation society in Greene County with such restrictions as will insure its historical preservation without cost to the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 489

H. 1235—Merrill, Holmes (D), Shelton, Quarles

AN ACT

Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to provide for the appointment of deputy sheriffs, clerks, jailers and cooks and to fix their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The sheriff of any such county shall employ not less than twenty deputies, three clerks, seven jailers and two cooks. Each employee shall receive a salary according to the pay scale approved by the county civil service board, payable from the general fund of the county. Such employees shall, in addition receive across-the-board, standard or percentage pay raises uniformly granted to other county employees.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 490

H. 1243—Carter, Moore (W)

AN ACT

To alter, rearrange, and extend the boundary limits and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Athens, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of the said City of Athens, Alabama, the following described territory or area in Limestone County, Alabama, more particularly described as follows:

All of Block 3 of Vestavia Estates, according to the Map or Plat of said Vestavia Estates on file in the Office of the Judge of Probate of Limestone County, Alabama, in Plat Book "C", Page 64.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 491

S. 785—Mitchell

AN ACT

Relating to all counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census; providing that the county governing body in any such county is authorized and empowered to pay the employer's share of social security or F.I.C.A. payments on elected officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent decennial census.

Section 2. In any county to which this act applies, the county governing body is hereby authorized and empowered to pay the employer's share of social security or F.I.C.A. payments on elected officials.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 492

S. 834—Teague

AN ACT

To alter or rearrange the boundary lines of the Town of Ashville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Ashville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and

also other territory within St. Clair County, Alabama, described as follows:

The Northwest diagonal one-half of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 14 South, Range 4 East;

The Southwest diagonal one-half of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33, Township 13 South, Range 4 East;

The Southeast diagonal one-half of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 13 South, Range 4 East.

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 14 South, Range 4 East;

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 14 South, Range 4 East;

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 14 South, Range 4 East.

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 14 South, Range 4 East;

The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 14 South, Range 4 East;

All that portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6; Township 14 South, Range 4 East lying and being South and East of Canoe Creek.

All that portion of the NW $\frac{1}{4}$ of Section 25, Township 13 South, Range 3 East lying and being South of U.S. Highway No. 11, and North of the Alabama Great Southern Railroad right-of-way.

All that portion of the SW $\frac{1}{4}$ of Section 25, Township 13 South, Range 3 East lying and being North of the Alabama Great Southern Railroad right-of-way.

The W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 14 South, Range 3 East;

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 14 South, Range 3 East;

The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 14 South, Range 3 East;

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 14 South, Range 3 East;

All that portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying and being East of Canoe Creek in Section 12, Township 14 South, Range 3 East;

All that portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying and being South of Canoe Creek in Section 12, Township 14 South, Range 3 East.

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 14 South, Range 4 East.

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 14 South, Range 4 East;

The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 14 South, Range 4 East;

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; Township 14 South, Range 4 East.

The N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 17, Township 14 South, Range 4 East;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 4 East;

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 4 East;

The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 14, Range 4 East;

All of the above described lands are situated in St. Clair County, Alabama and being contiguous and adjacent to the present boundary lines of the said Town of Ashville, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 493

S. 865—Waldrop

AN ACT

Relating to cities in the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing that the city commission of any such city shall be authorized to establish their meeting dates by resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. The city commission of each city in the state having a population of not less than 50,000 nor more than

60,000 inhabitants according to the 1970 or any subsequent federal decennial census is hereby authorized to establish by resolution the dates upon which such commission shall meet.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 494

H. 503—Folmar

AN ACT

To name the new National Guard Armory in Troy, Alabama the "Ralph Wyatt Adams National Guard Armory."

Be It Enacted by the Legislature of Alabama:

WHEREAS, Ralph Wyatt Adams has served thirty-four years of distinguished service in the military; and

WHEREAS, Ralph Wyatt Adams has served the state and the nation in the National Guard as Assistant Adjutant General of the Alabama Air National Guard and as Acting Chief of Staff of the Alabama Air National Guard; and

WHEREAS, Ralph Wyatt Adams has served many years as a member of the American Legion and is Past Commander of the Montgomery Post No. 2 and is presently a member of the Troy Post No. 70 and a member of the American Legion Boys State Committee; and

WHEREAS, he has been instrumental in bringing a new National Guard unit and a new armory to the city of Troy; and

WHEREAS, Ralph Wyatt Adams was instrumental in securing land for a new armory building and is therefore responsible for the actual location of the new armory; and

WHEREAS, Ralph Wyatt Adams has been an ardent supporter of all facets of the National Guard, has shown a special pride in the National Guard and in the planning of the new armory and has contributed substantially to establishing an excellent relationship between the National Guard and the City of Troy; now therefore,

Section 1. The new National Guard Armory in Troy, Alabama will hereby be named the "Ralph Wyatt Adams National Guard Armory" in honor of Ralph Wyatt Adams.

Section 2. The Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Ralph Wyatt Adams.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 495

H. 549—Kennedy

AN ACT

To amend Section 2 of Act No. 929, H. 1822, Regular Session 1975 (Acts 1975, p. 3) relating to amendment of the retirement system of the City of Prichard by changing the effective date of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, of Act No. 929, H. 1822, Regular Session of 1975 (Acts of 1975, p. 3) relating to amendment of the retirement system of the City of Prichard is amended to read as follows:

"**Section 2.** The amendatory provisions of this Act shall be effective on January 1, 1977."

Section 3. This Act shall be effective upon its passage and approval by the Governor.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 496

H. 830—Ford, Rich, Taylor

AN ACT

Relating to all counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census; to further amend Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk so as to increase the

annual salary of the person holding office as an administrative consultant to the circuit clerk of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk in certain counties is hereby further amended to read as follows:

"Section 4. The annual salary of the person holding office as an administrative consultant under the provisions of this act shall be eight thousand dollars (\$8,000), subject to the prior approval by a majority of the county governing body upon recommendation of the chairman thereof, which, if approved shall be payable in equal monthly installments out of the county treasury as other county officers are paid."

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 497

H. 1149—Hines

AN ACT

To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable to all county law enforcement officers in Escambia County, Alabama, and to all municipal law enforcement officers of all municipalities in such county, except those municipalities whose governing bodies, within thirty days after the effective date of this act, elect that such city shall not be covered by this act. Any municipal governing body making such an election shall immediately file a notice thereof with the Escambia

County Commission; and thereafter this act shall not apply to such municipality's law enforcement officers.

Section 2. As used in this act, unless the context clearly requires a different meaning: "county" means Escambia County, Alabama; "employee" means any law enforcement officer who is employed either by the county or by an incorporated municipality within the county unless such municipality has elected not to be covered by this act; "law enforcement officer" shall mean and include a policeman, policewoman, detective and other officials who have authority to make arrests, and who are employed by the county or an incorporated municipality within the county as a permanent or regular employee for and subject to law enforcement duties; "merit employee" means any such employee who shall have completed his six months of probationary employment; "board" means the merit system board created by this act; "appointing authority" means in the case of employees in the offices of the elected officials of the municipality or county, such elected officials, and means, in the case of all other municipal or county employees, the municipal or county governing body, or the municipal or county board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all law enforcement officers in the service of Escambia County or any incorporated municipality therein except those municipalities which have elected not to be covered by this act and have filed notice of such election as prescribed in Section 1 of this act, except: (a) persons holding elective offices; (b) members of appointive boards, commissions, and committees; (c) independent contractors; and (d) any person whose employment is subject to the approval of the United States government or any agency thereof.

Section 4. All employees to whom the provisions of this act apply shall be governed by merit system rules and regulations prescribed in or promulgated pursuant to this act, administered by the merit system board, the creation of which is provided for in Section 5 hereof. Present such employees shall remain in their respective employment during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided; and such employees shall be subject fully to the provisions of this act.

Section 5. There is hereby created the law enforcement officers merit system board of Escambia County, Alabama, which shall be composed of three members appointed by the Escambia County Commission. The following groups shall each submit the names of three nominees to said Commission:

1. All law enforcement employees of the several incorporated municipalities in Escambia County, except those municipalities in which this act does not apply.

2. All law enforcement employees of the Escambia County sheriff's department and all law enforcement employees of boards, agencies or elected officials of Escambia County.

3. The County Commission.

Original appointees shall serve for terms of two (2) years, four (4) years and six (6) years, respectively, or until their successors are appointed. Thereafter, all appointees shall serve for a period of six (6) years or until their successors are appointed. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of Escambia County and over the age of twenty-one years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The count commission shall have power to establish rules and regulations governing the removal of members of the board. The board members shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate or is elected or appointed to another public office of profit, vacates his office as a member of the board.

Section 6. Each member of the board shall be paid a salary to be set by the Escambia County Commission.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the board members shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the Escambia County courthouse. The board may prescribe rules governing its procedure not inconsistent with the provisions of this act.

Section 8. The board shall keep complete minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county during regular business hours at the county courthouse.

Section 9. The board shall have power to: (1) classify the different types of services to be performed in the service of

the county; (2) prescribing qualifications, including those of education, training and experience for the appointees and incumbents of each class; and (3) allocate each position in the service to its proper class.

The salary to be paid in each classification shall be determined by the Escambia County Commission.

Section 10. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary employee may be discharged by his appointing authority at his or its pleasure at any time before the expiration of six months from his appointment. After he shall have served for six months in the position to which he was appointed or employed such employee shall become a merit employee.

Section 11. An appointing authority, shall have authority to suspend without pay a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a merit employee is suspended without pay for more than thirty days in any one year, he shall be entitled to a public hearing by the merit system board upon written demand filed within five days from the date of the order of suspension. If, after hearing the board, determines that the action of the appointing authority was not with good cause, the suspension shall be revoked.

Section 12. a) The governing body of the municipality or county, any member of such governing body, or the head of any department or office of such municipality or county can remove, discharge, or demote any merit employee who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. If such appeal be filed, the board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de nova on such charges. No merit employee shall be removed, discharged or demoted except for some personal misconduct or fact rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only upon affirmation by the board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard

in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases the decision of the board shall be reduced to writing and entered in the record of the case and shall include the board's finding of facts upon which its decision is based. In all proceedings before the board, the county attorney shall appear and prosecute all charges instituted by the municipal or county governing body or any member thereof or by any department head, when requested or directed to do so by such municipal or county governing body. In all proceedings before the board, when directed by the municipal or county governing body to do so, the county attorney shall appear and represent the interest of the municipality or county and give such legal advice and legal assistance to the board as may be requested by it.

The board shall have the power to administer oaths, take depositions, certify officials acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The sheriff or some other law enforcement officer of the county shall serve all processes of the board. In case a person refuses to obey such subpoena, the board may invoke the aid of the circuit court of Escambia County, Alabama, in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the circuit court as prescribed by law for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit court of Escambia County, Alabama, which fees shall be paid from the treasury of the county.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Escambia County within thirty days from the rendition of such decision by the board. Review by the circuit court shall be confined to the record, and to a determination of the questions of law presented; the board's findings of fact shall be final and conclusive.

Section 13. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management

or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 14. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the county on the claims of the merit system board in the same manner as other county salaries and expenses are paid; such claims of the merit system board shall be subject to review by the Escambia County Commission.

Section 15. Any merit employee who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be reappointed or re-employed for two years.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 498

H. 1158—Gregg, Drake, Cross, Riddick,
Moore (O), Biddle, Boles,
Kelley, Lutz

AN ACT

Amending Title 30, Section 40 of the Code of Alabama, 1940, relating to the establishment of foreign trade zones so as to authorize county and municipal governing bodies and private and public corporations to establish and operate such zones at all ports of entry within the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40, Title 30, Code of Alabama, 1940, is hereby amended to read as follows:

"Section 40. In order to comply with the laws, rules and regulations of the federal government governing the establishment of foreign trade zones, under an act of congress entitled 'An Act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, approved June 18th, 1934,' or any amendments thereto, the state docks department, any county or municipal governing body, or any private or public corporation is authorized to establish at all ports of entry within this state foreign trade zones and to establish rules and regulations for controlling and conducting said zones. All foreign trade zones established under the provisions of this act shall comply with all federal laws and regulations dealing with the establishment and operation of foreign trade zones."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 p.m.

Act No. 499

H. 1228—Williams, Sasser

AN ACT

Relating to Dale County; to provide that the county commission, with the approval of the county engineer, shall regulate the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies; to further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Dale County, with the approval of the County Engineer, shall regulate the planning and construction of all public streets, public roads and

drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in said county, provided, however, that such placement of public utilities shall not be inconsistent with the requirements of the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies.

Section 2. It shall be the duty of the owner and developer of each subdivision to have all construction completed in conformity with this Act. The County Commission of Dale County shall be authorized to require the filing and posting of a reasonable surety bond with such county commission by the developers of such proposed subdivisions or proposed additions to guarantee the actual construction and installation of such approved public streets, public roads, drainage structures and public utilities before the sale or offering for sale of any lots from such subdivision or addition to the public. The County Commission may require the developers of all proposed subdivisions or proposed additions to existing subdivisions of land situated outside the corporate limits of any municipality in such county to submit the plat of such proposed subdivision or addition to the County Commission of said county for approval before such plat is filed for record or received for filing in the office of the Judge of Probate. No plat shall be approved by the County Commission until each utility affected thereby shall have been notified in writing by the Commission and given at least ten (10) days to review the proposed plat and submit a written report to the Commission as to whether all provisions affecting the service to be provided by such utility are reasonable and adequate.

Section 3. If any public street, public road, drainage structure or placement of public utilities is subsequently erected, constructed, or placed in violation of the provisions of this Act or any regulations made pursuant thereto the county may institute appropriate action or proceedings to prevent such unlawful erection, construction, or placement or to require such erection, construction, or placement to conform to the regulations prescribed therefor; provided, however, nothing herein shall be construed as authorizing such actions or proceedings with respect to such facilities which at the time of their original erection, construction or placement were not in violation of this Act or regulations made pursuant thereto.

Section 4. This Act shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or

their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses or easements.

Section 5. The County Commission of Dale County shall not exercise jurisdiction under provisions of this Act within the jurisdiction of any municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date the county assumes such jurisdiction by publishing and adopting notice thereof.

Section 6. It is the intent of the legislature that all proposed subdivisions be subject to regulation, and the County Commission of Dale County shall have the authority to reach and publish agreement as to exercise of jurisdictional authority over proposed subdivisions, which agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county and affected municipality and such agreement shall thereafter have the force and effect of law.

Section 7. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any portion of this Act is declared unconstitutional, such declaration shall not affect the parts remaining.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 500

H. 1234—Quarles

AN ACT

Relating to St. Clair County; to provide that all clerks in the probate judge's office shall be empowered to accept applications for voter registration at any time the probate office is open for business; and to direct the county governing body to provide an additional clerk for said probate offices.

Be It Enacted by the Legislature of Alabama:

Section 1. All clerks in the probate office of St. Clair County shall be empowered to take applications, testimony and oath of applicants for voter registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next

meeting and the board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations as are necessary to carry out the provisions of this act.

Section 3. In order to meet the increased workload resulting from the foregoing provision hereof, the governing body of St. Clair County shall provide an additional clerk for the probate office to be appointed by, and serve at the pleasure of, the probate judge.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 501

H. 1—Gafford

AN ACT

To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session [Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58(74c)] entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session [Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58(74c)], entitled "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training", is hereby amended to read as follows:

"An Act To authorize the State Safety Coordinating Com-

mittee to allocate any of its funds to the Department of Education or any educational institution in Alabama to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of preclicensing driver education and training.

"Section 1. The State Safety Coordinating Committee is hereby authorized to allocate any funds appropriated to it to the Department of Education or to any educational institution in Alabama for the sole purpose of instituting and conducting a program of preclicensing driver education and training. All funds so allocated shall be set up in a special fund in the state treasury known as the 'Driver Education and Training Fund' which shall be used solely for the purpose of carrying out the provisions of this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 502 H. 72—Smith (B), Lee, McCorquodale, Robertson
AN ACT

To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as The Alabama Child Abuse Act.

Section 2. Definition. For the purposes of this Act, wherever used, "Responsible Person" means a child's natural parent, step parent, adoptive parent, legal guardian, custodian, or any other person who has the permanent or temporary care or custody or responsibility for the supervision of a child.

Section 3. General Provision. A "Responsible Person" as defined above, who shall torture, wilfully abuse, cruelly beat, or otherwise wilfully maltreat any child under the age of eighteen years of age, shall on conviction be punished by imprisonment in the penitentiary for not less than one year nor more than ten years.

Section 4. Repealer. Act No. 2422, H. 110 of the 1971

Regular Session (Acts of 1971, p. 3855) is expressly repealed; and all other laws or parts of laws which conflict with this act are hereby also repealed.

Section 5. Saving Section. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect, are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Section 6. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 7. Effective Date. This act shall take effect upon its passage and approval thereof by the Governor, or upon its otherwise becoming law as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 503

H. 384—McCorquodale

AN ACT

Providing that the governing body of each county may pay the expenses incurred by its Judge of Probate and personnel in his office for membership in his State and National organization, and for attendance upon State or National Conferences, schools or other functions pertaining to their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of each county may be entitled to receive from the county treasury payment for expenses, including, but not limited to, membership dues and other expenses, incurred in attending State or National conferences, schools, and other functions attended by said judges, including but not limited to the personnel in his office, pertaining to their official position of Judge of Probate which payment shall be in addition to all other compensation and allowances now provided by law. Such payments shall be paid on warrants approved by the county commissions or governing bodies of each county drawn on any funds in the county treasury not otherwise appropriated.

Section 2. Membership dues and fees may be paid by

remittance to the secretary/treasurer of such organization upon presentation of a statement therefor.

Section 3. Expenses may be remitted directly to the individual concerned upon presentation of an itemized statement, supported by receipts, indicating actual expenses incurred. Such statement may be properly sworn to and notarized.

Section 4. In counties wherein supplements or expenses are presently paid to the Judge of Probate and personnel in his or her office for the expenses as described in Section 1 of this proposed act, whether paid through the authority of local or other acts of the State of Alabama. Such expenses described in Section 1 of this proposed act may be paid by the governing body of the county but in no circumstance may such expenses be paid or reimbursed more than once under authority granted by this or previous acts of the State of Alabama.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming law.

Approved May 12, 1977.

Time: 1:30 P.M.

Act No. 504 H. 467—Gafford, White, Waggoner, Falkenburg,
Biddle, Moore (O)

AN ACT

To amend Title 52, Section 37, of the Code of 1940 (pertaining to the power of the State Board of Education and public corporations conducting state educational institutions to borrow money for certain purposes) so as to clarify the power of the Board and such corporations to issue refunding securities to refund, in addition to principal and redemption premium, interest accrued or to accrue in the future on any securities to be refunded.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37 of Title 52 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so that the said section shall read in its entirety as follows:

“Section 37. The State Board of Education, acting for the

respective educational institutions under its supervision, and each public corporation that conducts one or more state educational institutions under its supervision, acting through its board of trustees or other governing body, are hereby separately authorized to exercise and perform any or all of the following powers; (a) to borrow money from the United States of America or any department or agency thereof, or from any person, firm, corporation or other lending agency, for the purchase, construction, enlargement or alteration of any buildings or other improvements, including dormitories, dining halls, class rooms, laboratories, libraries, stadiums, administration buildings, and any other buildings and appurtenances thereto suitable for use by the institution with respect to which the borrowing is made, the acquisition of furniture and equipment for any thereof, the purchase of land, the beautification of grounds, and the construction of swimming pools, tennis courts, athletic fields and other facilities for physical education, all for use by such institution; (b) to sell and issue interest bearing securities (whether in the form of bonds, notes or other securities) in evidence of the moneys so borrowed; (c) to pledge to the payment of the principal of and interest on such securities the fees from students levied and to be levied by or for such institution and any other moneys and revenues not appropriated by the state to such institution; (d) to establish parietal rules respecting the use of occupancy of any facilities the revenues of which are pledged to such securities; (e) to agree to maintain the charges for the use of the occupancy of, for services rendered by or from, and for admission to, any facilities the revenues of which are so pledged, and the fees from students so pledged, at such rates and in such amounts as will produce moneys sufficient to pay at their respective maturities the principal of and interest on the securities with respect to which such pledges and agreements are made and to create and maintain any required reserves therefor, (f) to agree to insure, maintain, repair and replace any such facilities with respect to which such pledge is made, and (g) to make such other agreements with respect to the said facilities and such securities as the governing body providing for the issuance thereof shall deem necessary or desirable. The securities issued under the provisions of this section may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds, notes or other securities, payable from the same or different sources for the purpose of paying all or any part of (a) the principal of the securities to be refunded, (b) any redemption premium required to be paid as a condition to the redemption prior to maturity of any such securities that are to be so redeemed in connection with such refunding, (c) any accrued and unpaid interest on the securities to be refunded, (d) any interest to accrue on each security to be refunded to the date on

which it is to be paid, whether at maturity or by redemption prior to maturity, and (e) the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to their provisions the holders of any such securities then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding securities for such refunding. Any such securities may be issued from time to time, may be executed in such manner, shall bear interest at such rate or rates, shall be payable as to both principal and interest at such time or times, may be made redeemable before maturity at the option of the issuing body at such redemption price or prices and on such terms, and may be sold in such manner and at such price or prices, all as may be provided in the proceedings under which they are issued. The State Board of Education or other governing body providing for the issuance of such securities shall have power to prescribe all details thereof, subject only to the provisions of this section. Bonds, notes and other securities issued under the provisions of this section shall be eligible for the investment of trust or other fiduciary funds in the exercise of prudent judgment by those making such investment. Neither the securities issued under, nor any pledge or agreement that may be made pursuant to, the provisions of this section shall be or constitute an obligation of any nature whatsoever of the state, and neither the said securities nor any obligation arising from any such pledge or agreement shall be payable out of any moneys appropriated by the state to the institution with respect to which such securities are issued or such pledge or agreement is made."

Section 2. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 505

H. 832—Gafford

AN ACT

TO AMEND Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as amended, relative to Medical Clinic Boards (codified as Section 11-58-10 of the Code of Alabama 1975), to provide that the principal amount of any refunding bonds that may be issued, shall not exceed the principal of the bonds to be refunded, any expenses estimated to be incurred in connection with such refunding and interest (accrued or to accrue) to the respective maturity dates of the bonds to be refunded or, if the bonds to be

refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption, plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as heretofore amended (codified as Section 11-58-10 of the Code of Alabama 1975), is hereby amended to read and provide as follows:

"Section 8. Any bonds issued by a corporation organized hereunder and at any time outstanding may at any time and from time to time be refunded by the corporation by the issuance of its refunding bonds in such amount as the board of directors may deem necessary but not exceeding the principal amount of the bonds to be refunded, any expenses estimated to be incurred in connection with such refunding, and interest (accrued or to accrue) to the respective maturities of the Bonds to be refunded, or if the bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities. Any such refunding may be effective whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued by a corporation organized under the authority of this Act (codified as Chapter 58 of Title 11 of the Code of Alabama 1975) shall be subject to the provisions contained in Section 5 of this Act (codified as Section 11-58-7 of the Code of Alabama 1975) and may be secured in accordance with the provisions of Section 6 of this Act (codified as Section 11-58-8 of the Code of Alabama 1975)."

Section 2. This Act shall take effect immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 1:30 P.M.

Act No. 506

S. 197—Pearson

AN ACT

To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. The "Interstate Agreement on Qualifications of Educational Personnel" is hereby enacted into law and entered into with all jurisdiction legally joining therein, in the form substantially as follows:

Article I

Purpose, Findings, and Policy

1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the em-

ployment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Compact can increase the availability of educational manpower.

Article II

Definitions

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to State Law as a condition of employment in educational programs.

2. "Designated State official" means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

4. "State" means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a State (and the subdivisions thereof which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

Interstate Educational Personnel Contracts

1. The designated State official of a party may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agree-

ment. A designated state official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

6. A contract committee composed of the designated state officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

Article IV

Approved and Accepted Programs

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

Interstate Cooperation

The party States agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

Agreement Evaluation

The designated state officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII

Other Arrangements

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

Article VIII

Effect and Withdrawal

1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

Construction and Severability

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters.

Section 2. The "designated state official" for Alabama shall be the State Superintendent of Education, who shall enter into contracts pursuant to Article III of said Agreement only with the approval of the specific text thereof by the Alabama State Board of Education.

Section 3. True copies of all contracts made on behalf of this State pursuant to the Agreement shall be kept on file in the office of the State Department of Education and in the office of the Secretary of State. The State Department of Education shall publish all such contracts in convenient form.

Section 4. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

AN ACT

To amend further Code of Alabama, 1940, Title 37, Section 10, which relates to the incorporation of unincorporated municipalities in order to provide specifically for the incorporation of unincorporated communities on islands in counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 37, Section 10, as amended further to read as follows:

“Section 10. When the inhabitants of an unincorporated community, which has a population of not less than seventy-five, constituting a body of citizens whose residences are contiguous to and all of which form a homogeneous settlement or community, desire to become organized as a municipal corporation, they may apply to the probate judge of the county in which such territory is situated, or the greater portion thereof, if it is situated in two or more counties, for an order of incorporation, by a petition in writing signed by not less than fifteen per cent of the qualified electors residing within the limits of the proposed municipality. Such petition shall state the proposed name of such municipality, and shall have attached thereto and as a part thereof an accurate plat of the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys, within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory. No platted or unplatted territory shall be included within such boundary unless there are at least four qualified electors residing on each quarter of each quarter section, according to government survey or part thereof, of such platted or unplatted land, who assent thereto in writing by signing said petition, together with the consent of the persons, firms or corporations owning at least sixty percent of the acreage of such platted or unplatted lands, such consent to be signified by their signing said petition. Proof of residence and qualifications as electors of petitioners and of persons affected shall be made to the judge of probate, by affidavit or otherwise, as he may direct. When determining the ownership of such lands the person, firm or corporation assessing the same for taxation shall be accepted by the probate judge as prima facie the owner thereof.

“However, an unincorporated community lying within or partly within the boundaries of a county having a population of 600,000 or more, according to the most recent federal decennial census, shall not be incorporated under this section if (1) the

territory proposed to be incorporated has a total population of less than 1,000, or (2) if the territory or any part of its perimeter lies within three miles of the corporate limits of any existing city or town.

"Provided, further, the inhabitants of any island having an area of not less than five square miles and a population of not less than three hundred qualified electors actually residing thereon and being situated in a county having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census, may become organized as a municipal corporation, embracing within the corporate limits of the proposed municipality the entire area of the island, even though there may be on such island one or more quarters of a quarter section according to the government survey on which no qualified elector resides, if not less than fifty-one percent of the qualified electors residing on the island sign and file with the judge of probate a petition requesting the judge of probate to call an election relative to the incorporation and the vote at such election is favorable to incorporation. Such petition shall state the proposed name of the municipality and shall have attached thereto and made a part thereof an accurate plat of the entire island, including all subdivisions into lots, blocks, streets and alleys within the territory, and an accurate description by metes and bounds of the island. Except as herein provided the incorporation of any such municipality shall be governed by laws currently providing for the incorporation of unincorporated communities."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 508

S. 400—Teague, Gilmore

AN ACT

To further amend Section 11 of Act No. 492, General Acts of Alabama Regular Session 1947; to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11, Act No. 492, General Acts of Ala-

bama, Regular Session 1947, is hereby further amended so as to read as follows:

"Section 11. PAYMENTS TO CONTRACTORS.—(a) Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the awarding authority. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration. (b) In making such partial payments there shall be retained not more than ten percent on contracts for the construction of buildings, or similar structures, and not more than seven and one-half percent on the construction of highways and bridges, or similar structures, on the estimated amount of work done and the value of materials stored on the site and after fifty percent completion has been accomplished no further retainage will be withheld. The retainage above set out shall be held until final completion and acceptance of all work covered by the contract. In addition to other requirements, a non-resident contractor shall satisfy the highway department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work. When maintenance periods are included in the contract covering highways and bridges or similar structures such periods shall be considered a component part of the contract. Provided, however, that on completion and acceptance of each separate building, public work, or other division of the contract, on which a price is stated separately in the contract or can be separately ascertained, payment may be made in full, including the retained percentage thereof, less authorized deductions. Nothing in this section shall, however, be interpreted to require the awarding authority to make full payment on an item of work when such item of work is an integral part of a complete improvement. (c) All material and work covered by partial payments made shall thereon become the sole property of the awarding authority, but this provision shall not be construed as relieving the contractor from the sole responsibility for the care and protection of materials and work upon which payments have been made or the restoration of any damaged work, as a waiver of the right of the awarding authority to require the fulfillment of all the terms of the contract. (d) Upon completion and acceptance of all work required, the amount due the contractor under the terms of the contract shall be paid upon the presentation of a properly executed and duly certified voucher therefor, after the contractor shall have furnished the awarding authority with a release, if required, of all claims against the awarding authority arising under and by virtue of the contract, other than such claims, if any as may be specifically excepted by the contractor from the

operation of the release in stated amounts to be set forth therein and the presentation of proof of advertisement as provided by law. Nothing in this section shall be interpreted to conflict with the rules and regulations of the Public Roads Administration."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 509

S. 480—Little

AN ACT

To provide that certain Lee County officers, i.e.: tax collector and tax assessor be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officers of Lee County shall receive salaries and clerk hire allowances in the following amounts:

Tax Collector—salary of \$25,000 per annum; to be paid in twelve equal monthly installments, and clerk hire allowance not to exceed \$20,500 per annum.

Tax Assessor—salary of \$25,000 per annum, to be paid in twelve equal monthly installments, and clerk hire allowance not to exceed \$37,500 per annum.

Section 2. In addition to the salary and allowance prescribed for the tax assessor in Section 1, he shall also be entitled to the compensation for preparing the abstract of assessments and the map or plat books of the county prescribed therefor by Code of Alabama 1940, Title 51, Sections 65, 66, and 67, as amended or superseded.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The compensation and allowances provided for in Section 1 of this act shall become effective as to each of

the officers named therein upon the expiration of the term of office of the incumbent in each of said offices, respectively.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 510

S. 612—Roberts

AN ACT

To amend further Section 10 of Act No. 651, S. 524, Regular Session 1976, which relates to the qualifications, election, compensation and duties of the coroner of any county having a population of not less than 300,000 nor more than 600,000, according to the 1970 or any subsequent Federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 651, S. 524, Regular Session 1976, is hereby further amended to read as follows:

“Section 10. The coroner if a qualified practicing physician, or a practicing physician designated by the coroner for the purpose, shall have the right and power to perform any and all autopsies upon the bodies of persons who have died by violence or other causes in order to ascertain or verify the cause of death.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 511

S. 621—McDonald (A), King, Baker

AN ACT

To amend Act No. 1024, S. 431, Regular Session 1973 (Acts 1973, p. 1561) relating to county supplemental payments to retired or supernumerary circuit judges of certain judicial circuits, so as to specifically exempt the twenty-third (23rd) judicial circuit from the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act No. 1024, S. 431, Regular Session 1973 (Acts 1973, p. 1561) are hereby amended to read as follows:

"An Act To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in judicial circuits composed of one county and having not less than four nor more than six circuit judges; and exempting the twenty-third judicial circuit.

"Section 1. Any supernumerary circuit judge or retired circuit judge in any judicial circuit, except the twenty-third judicial circuit, now or hereafter composed of any one county and having not less than four nor more than six circuit judges shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 25% of the compensation paid said judge by the State of Alabama. The salaries or compensation provided for herein are supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 512

S. 702—McMillan

AN ACT

To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it

shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called "Section 76", vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 167, Title 62, Code of Alabama of 1940, is amended so as to read as follows:

§167. Office of coroner abolished; powers and duties thereof transferred to county governing body; governing body's appointment of staff, including Coroners/Medical Examiners; powers vested in the governing body and staff.

Subsection A. As herein used, these terms have the meanings hereby given them: "governing body" means the governing body of the county; "the staff" means the Coroners/Medical Examiners, representatives and agents this section authorizes the governing body to appoint; "the Coroners'/Medical Examiners' office" means the office wherein or wherefrom the staff performs the duties the governing body assigns said staff.

Subsection B. In the county the office of coroner is abolished and all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof.

The county governing body shall be authorized to promulgate rules and regulations governing the performance of the duties of the members of the staff and the operations of the Coroners'/Medical Examiners' office.

Subsection C. The employment and compensation of all members of the staff shall be governed by any applicable civil service law.

Each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; provided, however that the county governing body may waive this requirement temporarily whenever a vacancy exists in said position which the county governing body is seeking to fill.

Subsection D. When there is only one Coroner/Medical Examiner on the staff, he shall be the Chief Coroner/Medical Examiner. When there is more than one Coroner/Medical Examiner on the staff, the governing body shall designate one of them as the Chief Coroner/Medical Examiner. Until such designation, the person who has been longest in the continuous service of the County as Coroner/Medical Examiner shall be the Chief Coroner/Medical Examiner.

Subsection E. The Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the governing body.

Subsection F. It shall be the duty of the Chief Medical Examiner to investigate and determine, or to secure another Medical Examiner to investigate and determine the cause and manner of any death when such death may fall within one or more of the following categories:

- (a) Criminal violence or criminal neglect
- (b) Suicide
- (c) Accident
- (d) Suddenly when in apparent good health
- (e) Unattended by a practicing physician
- (f) Suspicious or unusual circumstances

- (g) Criminal abortion
- (h) Poisoning
- (i) Diseases
- (j) Disease, injury or toxic agent resulting from employment
- (k) While under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure.
- (l) In any prison or penal institution
- (m) When in police custody
- (n) When a body is to be cremated, dissected or buried at sea
- (o) Unclaimed bodies
- (p) When a dead body is brought into this State without proper medical certification

Subsection G. In investigating a death hereunder a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death.

Subsection H. There shall be vested in Coroners/Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called "Section 76", vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed as has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death.

Subsection I. No member of the county governing body,

Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under this Section 167.

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 513

S. 737—Goodwin

AN ACT

Relating to the city school board of Selma; providing for the appointment and terms of the members of such board.

Be It Enacted by the Legislature of Alabama:

Section 1. The general administration and supervision of the public schools and educational interest of the city of Selma shall be vested in the city school board of Selma, to be composed of eleven members who shall be residents of such city, each of whom has been previously elected to such board for a term of eleven years. All incumbent board members shall continue to serve until their terms expire according to the following schedule:

In July, 1978, the terms of the two (2) members having the longest tenure on the board shall expire. The same procedure will follow in July, 1979, July, 1980, and July, 1981. In July, 1982, the term of any remaining incumbent members shall expire.

Nothing in this act shall preclude the reappointment or reelection of any member who previously served on the board.

Section 2. Immediately upon the passage and approval of this act, the city council of the city of Selma, or such other duly elected governing body of said city, shall make appointments to fill any vacancies which shall occur on said board. The members of such city school board so appointed shall be residents of the city of Selma and shall be chosen solely because of their character and fitness and they shall serve for a period or term of five (5) years without compensation, but no person shall be appointed to such board who shall be a member of said city's governing body nor in any way subject to the authority of the city school board of Selma.

Section 3. At a regular meeting of the city council of the city of Selma, or such other duly elected governing body of the

city of Selma, such city governing body shall annually appoint or elect a member or members of the city school board of Selma to succeed those whose term or terms of office expire that year. No member so appointed or elected can serve more than three (3) full terms. In the event of a vacancy in the membership of the city school board of Selma by registration or otherwise, the fact shall be reported to the city council or such other duly elected governing body of the city of Selma by the city school board of Selma and the city governing body shall appoint a person to fill such vacancy for the unexpired term.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 514

S. 738—Bank

AN ACT

Relating to Pickens County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1979, there shall be a county revenue commissioner in Pickens County. A commissioner shall be elected at the general election in 1978 and at the general election every six years thereafter, who shall serve for a term of six years from the thirtieth day of September next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the court of county

commissioners or other like county governing body, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the court of county commissioners or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the court of county commissioners or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The court of county commissioners or other like governing body of the county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$18,750, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Pickens County are hereby abolished effective the first day of October, 1979.

Section 8. It is the purpose of this act to promote the public convenience in Pickens County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. All rights reserved to tax assessors and tax collectors under the provisions of Act No. 755, H. 49, 1967 Regular Session, as amended, shall not be affected by the county revenue commissioner system provided for herein.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 515

S. 755—St. John

AN ACT

Relating to Cullman County; to authorize and permit "flea" markets in said county to remain open for business during certain hours on Sunday; to provide for the licensing of such "flea" markets and to authorize the State to enjoin such "flea" markets from remaining open on Sunday contrary to this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be lawful for any "flea" market, as defined herein, to remain open for business on Sunday in Cullman County except during the church hours of 10 a.m. until 12 noon and 6 p.m. until 8 p.m.; provided that each such "flea" market shall first obtain a special license to operate during such hours on Sunday from the license issuing officer of Cullman County. The license issuing officer of said county shall issue a license only to such "flea" markets as shall pay a license fee of \$25.00. All such fees shall be paid into the general fund of Cullman County. For the purposes of this Act the words, "flea market" shall mean and include any market place, street market, stall or other place of business where cheap, useful and ornamental objects or second hand goods or both are sold, bartered or exchanged.

Section 2. Any "flea" market that remains open at any time on Sunday which is contrary to the restrictions set out in this Act, in addition to the criminal penalty as set out in Code of Alabama 1940, Title 14, Section 420, as amended, shall be enjoined from remaining open on Sunday, by the Circuit Judge, upon petition filed on behalf of the State of Alabama by the District Attorney, Assistant District Attorney or other state prosecutor.

Section 3. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 516

S. 837—Bank

AN ACT

Relating to Pickens County, to provide that the County Commission may provide for a certain clerk hire allowance for the Tax Assessor and Tax Collector of said County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Pickens County Commission may provide a clerk hire allowance of not more than \$350.00 per month, each, for the use of the Tax Assessor and Tax Collector of said County, which shall be paid in lieu of any clerk hire allowances heretofore provided by law for said offices. The allowances, if provided by the said Pickens County Commission, shall be paid from the General Fund of the County in such manner as the Commission may direct.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 517

S.J.R. 333—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING MR. WATT A. ELLIS, CANDI-
DATE FOR WATERSHED-MAN-OF-THE-YEAR.

WHEREAS, the Legislature of Alabama has learned that the Cherokee County Commission has submitted the name of Mr. Watt A. "Dub" Ellis, Jr. as a candidate for Watershed-Man-of-The-Year to be selected at the next National Watershed Congress; it is the consensus of the Commission that Mr. Ellis exemplifies the standards of excellence established for this high honor; and

WHEREAS, Alabama has had an active watershed program since 1954 and the 183.675 acre Terrapin Creek Watershed was one of the first applications approved, authorized for operation in 1960; Mr. Ellis is chairman of the Terrapin Creek Watershed Conservancy District and has served in this capacity since its formation; and

WHEREAS, through his exceptional leadership, Mr. Ellis has inspired the Terrapin Creek sponsors to move forward in installing all phases of the project, evidence that his enthusiasm, based on conviction, faith and a positive attitude, gets things accomplished; many additional measures also have been installed as a result of his effective leadership; and

WHEREAS, he is very active, also, in the Coosa Valley RC&D project and was instrumental in annexing Cherokee County into the Coosa Valley RC&D Project area; he is a member of the RC&D Council, which is the primary governing body, and through their efforts, the FHA is assisting in installing a multi-county rural water system, greatly improving opportunities for development; and

WHEREAS, in addition to numerous other offices of leadership in organizations and programs connected both directly and indirectly to the watershed project and areas of conservation, Mr. Ellis also manages and operates a family farm of over 10,000 acres with approximately 7,000 acres being managed for wildlife with the establishment of seven hunting preserves; he also has a certified cotton seed operation, a multi-state business with some cotton seed exported to foreign countries; and

WHEREAS, he actively participates in numerous civic and community organizations such as past member of the Board of Education, Director of the Centre Chamber of Commerce, Vice President of the Centre Rotary Club, Director of Peoples Telephone Company, past Director and member of the Farm Bureau, member of the Cattleman's Association, past member of the Lions Club, past president of the PTA, and member of the First Baptist Church, to name only a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. Watt A. Ellis on his selection as candi-

date for Watershed-Man-of-The-Year; we unanimously concur with the Cherokee County Commission in their nomination, and direct that a copy of this resolution be sent to the Cherokee County Commission, Mr. David Unger, Executive Secretary of the National Association of Conservation Districts and Mr. Ellis as a token of our praise for his innumerable and outstanding accomplishments.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 518

H. 1018—Cates

AN ACT

Relating to Butler County; to amend Sections 1 and 3 of Act No. 942, H. 1828, 1975 Regular Session (Acts of 1975, p. 1968) relating to salaries for certain county officers, so as to delete the provisions relating to circuit clerk and to add a provision for expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 3 of Act No. 942, H. 1828, 1975 Regular Session (Acts of 1975, p. 1968) relating to salaries for certain county officers, is hereby amended to read as follows:

“Section 1. The following officers of Butler County shall receive an annual salary in an amount of:

Probate Judge	\$18,000, plus the same compensation received by each associate county commissioner
Tax assessor	\$15,000
Tax collector	\$15,000

These salaries for said officers are to take effect at the end of each officer's current term respectively, and are to be taken from the county general fund.

“Section 3. The county commission shall provide for the fixing of salaries and expense allowances of the employees of the officers affected by this act.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 p.m.

Act No. 519

H. 1069—Taylor, Rich, Ford, Brindley

AN ACT

Relating to counties having populations of not less than 90,000 nor more than 100,000; to authorize the county governing body of the judicial circuit in which such counties are located to furnish to the office of the District Attorney necessary personnel, equipment and supplies; to provide that this act apply retroactively.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Upon request by the District Attorney of the Judicial Circuit within which the county is located, the county governing body is hereby authorized and empowered to furnish the office of said District Attorney with such personnel not to exceed one additional trial coordinator and one secretary and equipment and supplies as said county governing body shall deem to be necessary and desirable.

Section 3. The operation of this act shall be retroactive to January 1, 1970, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 520

H. 1081—Crowe, Sparks

AN ACT

Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census; allowing the county governing body of any such county to pay certain necessary and reasonable expenses incident to the official business of the judge of probate, including professional dues, registration, meals, tuition and other fees, and travel and lodging while attending professional seminars; providing that such expenses shall be paid from the county funds of such counties; and making the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In addition to the payment of all other expenses heretofore authorized by law, the county governing body in any such county is allowed, in its discretion, to pay the professional dues and association dues incident to the official duties of the Judge of Probate.

Section 3. In addition to the payment of all other expenses heretofore authorized by law, the county governing body in any such county is allowed, in its discretion, to reimburse the Judge of Probate his necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration, fees, tuition fees and membership fees, when traveling within or without the county or state to meetings of professional associations, seminars, conferences and like meetings incident to the official duties of the Judge of Probate.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are retroactive to January 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 521

H. 1084—Hill, Greer, Coburn

AN ACT

Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1976, payable out of the funds of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having a population of not less than 65,500 nor more than 72,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The clerk of the jury commission in such counties shall be paid for his services rendered under the direction of the jury commission, the sum of \$20 per day while actually engaged in performing his duties, to be paid out of the

county treasury upon the order and certification of the jury commission chairman, and upon approval of the county governing body.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act is retroactive to March 1, 1976.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 522

H. 1108—Ford, Rich

AN ACT

Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including Act No. 78, Fourth Special Session 1975; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Etowah County, Alabama.

Section 2. In lieu of any and all license, privilege or excise taxes heretofore levied by the Etowah County Commission or the Legislature of Alabama, upon the sale, use or consumption, distributing, storing, or withdrawing from storage of malt or brewed beverages within Etowah County, there is hereby levied and imposed a privilege license tax of one-half ($\frac{1}{2}\%$) cent on each ounce, or fractional part thereof, of malt or brewed beverages (including draft beer) sold for use or consumption in Etowah County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this Act (less costs of collection as provided for below) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

A) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality having a board of education, all such proceeds from the $\frac{1}{2}\text{¢}$ per ounce privilege license tax shall be distributed according to the following percentages:

20.83 $\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the Etowah County general fund;

20.38 $\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used only for capital outlay purposes, renovation, and repairs;

58.33 $\frac{1}{3}\%$ ($3\frac{1}{2}\text{¢}$ per 12 oz.) to the general fund of the municipality.

B) For malt or brewed beverages delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds from the $\frac{1}{2}\text{¢}$ per ounce privilege license tax shall be distributed according to the following percentages:

12.50% ($3\frac{1}{4}\text{¢}$ per 12 oz.) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation and repairs;

20.83 $\frac{1}{3}\%$ ($1\frac{1}{4}\%$ per 12 oz.) to the city and county board of education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

29.16 $\frac{2}{3}\%$ ($1\frac{3}{4}\text{¢}$ per 12 oz.) to the general fund of the municipality;

37.50% ($2\frac{1}{4}\text{¢}$ per 12 oz.) to the Etowah County general fund

C) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds from the $\frac{1}{2}\text{¢}$ per ounce privilege license tax shall be distributed according to the following percentages:

20.83 $1\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the Etowah County general fund;

20.83 $1\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

33.33 $1\frac{1}{3}\%$ (2¢ per 12 oz.) to the general fund of the municipality;

25.00% ($1\frac{1}{2}\text{¢}$ per 12 oz.) to the Etowah County Board of Education, to be used for capital outlay purposes, renovation, and repairs;

D) For malt or brewed beverages delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality not having a board of education, all such proceeds from the $\frac{1}{2}\text{¢}$ per ounce privilege license tax shall be distributed according to the following percentages:

16.66 $2\frac{2}{3}\%$ (1¢ per 12 oz.) to the general fund of the municipality;

20.83 $1\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the city and county boards of education within Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

25.00% ($1\frac{1}{2}\text{¢}$ per 12 oz.) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation, and repairs;

37.50% ($2\frac{1}{4}\text{¢}$ per 12 oz.) to the Etowah County general fund.

E) For malt or brewed beverages delivered for retail sale in locations which are within the boundaries of Etowah County, Alabama, but not within the corporate limits or police jurisdiction of any municipality, all such proceeds from the $\frac{1}{2}\text{¢}$ per ounce privilege license tax shall be distributed according to the following percentages:

20.83 $1\frac{1}{3}\%$ ($1\frac{1}{4}\text{¢}$ per 12 oz.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures to be used for capital outlay purposes, renovation, or repairs;

25.00% ($1\frac{1}{2}\text{¢}$ per 12 oz.) to the Etowah County Board of Education; to be used for capital outlay purposes, renovation, or repairs.

54.16 2/3% (3 1/4¢ per 12 oz.) to the Etowah County general fund.

E) (1) For draft beer sold and delivered within all areas in Etowah County, all proceeds from the 1/2¢ per ounce privilege license tax to be distributed according to the following percentage:

83.33 1/3% (5¢ per 12 oz.) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figure to be used for capital outlay purposes, renovation and repairs.

16.66 2/3% (1¢ per 12 oz.) to the municipalities in Etowah County within which draft beer is sold at retail, to be divided among them pro rata according to the population as established in the most recent federal decennial census.

F) All proceeds of the tax levied by this Act, less costs of collection, upon the sale for use or consumption of malt or brewed beverages (including draft beer) shall be distributed to said recipients on a monthly basis. All such proceeds must be distributed on or before the 15th day of the month following the month during which it is determined how such proceeds should be distributed according to the locations to which said beverages are delivered for sale as determined by the distributors and sellers sworn monthly statements.

G) No municipality which collects or causes to be collected a privilege or license tax upon the sale, use, consumption or distribution of malt or brewed beverages in addition to the tax herein levied shall be entitled to receive any share of the proceeds of the tax levied herein. Any distributive share of such proceeds which would have been paid to a municipality but for the provision of this subsection, shall be paid into the general fund of said county.

Section 4. The privilege license tax authorized herein shall be collected in the manner set forth below by or under the supervision and control of the county commission, board of revenue, or like governing body of such county (hereinafter referred to as "the commission"), which shall be primarily responsible for the administration of this Act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide decal type tax stamps to be placed upon the lids or crowns of all containers in which malt or brewed beverages are sold, including kegs or barrels of draft beer as evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any

seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchases, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which such beverages were purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) In order to enable the commission to make distribution of the net proceeds of the tax as in this act prescribed, each distributor or seller must include in the statement separate figures stating the total sales by size of container made within each such municipality within the county and the police jurisdiction of each municipality, and the total sales made in the county but outside the corporate limits or the police jurisdiction of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax. The authority given to the commission by this subsection is cumulative and may be exercised in addition to prosecution under the provisions of the preceding subsection. The forms required to be filed with the commission by this section shall be retained by the commission and shall be subject to examination by representatives or agents of all municipalities and school boards within the county during normal business hours at the Etowah County Courthouse.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The Commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall be punishable as provided for by law.

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefore shall be punishable as provided for by law.

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas: or, in, having the same in pos-

session or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, it shall be the duty of the commission to ascertain from such information and data as may be reasonably available the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall be punishable as provided for by law.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

e) All rights to inspect documents, records, books of account and other pertinent information which are granted to the commission in this section shall also be granted to the City of Gadsden Revenue Department with respect to businesses and other locations within the corporate limits and/or police jurisdiction of the City of Gadsden.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not thereby any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer, deputy sheriff, or City of Gadsden Revenue Department employee, to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Provided, however, that employees of the City of Gadsden Revenue Department shall only have such authority within the corporate limits and police jurisdiction of the City of Gadsden and the authority of police officers shall similarly be limited to the corporate limits and police jurisdictions of the municipality by which they are employed.

Section 9. a) Collection of the tax shall be accomplished in this fashion: The Commission shall procure decals or other

devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The Commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the actual amount which it has expended for stamps, decals, reporting forms, notices, and other materials necessary for efficient administration, collection, distribution, and enforcement of the tax imposed by this act. After deduction of the expenses incurred for said stamps, decals, notices, forms and materials necessary, the amounts payable to the City of Gadsden, and the Gadsden City Board of Education shall be computed according to the percentages fixed in Section 3 of this act. Computations of the amounts payable to the City of Gadsden and the Gadsden City Board of Education shall be made in this manner because the City of Gadsden shall be primarily responsible for enforcement of the provisions of this act within its corporate limits and police jurisdiction. After the proceeds payable to the City of Gadsden and the Gadsden City Board of Education have been computed, as aforesaid, the costs incurred by the commission for the enforcement of the provisions of this act and other necessary services and expenses shall be deducted from the amount of the proceeds of the tax remaining. This net amount (i.e. the amount remaining after deducting (1) the expense of administrative and enforcement materials (2) the amount payable to the City of Gadsden and the Gadsden City Board of Education, and (3) the commission's costs for enforcement and other necessary services and expenses) shall be distributed in the manner and according to the percentages prescribed in Section 3 of this act.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the proportionate share of the cost of collection and expenses of administration of this act, provided, however, that the City of Gadsden shall share in paying only the expenses of administrative materials and not any portion of the expense of enforcement.

Section 10. a) Decals, stamps or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment

of the amount of taxes corresponding to the stated value of the decals, stamps, or other devices that he procures from the commission, less an eight per cent (8%) discount to help offset the expense of affixing stamps or decals to the beverage containers as required by this act; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered and with such time limits as may from time to time be fixed by resolution of the Commission.

b) It shall be unlawful for any person (other than licensed wholesale dealers and distributors of malt or brewed beverages during the time limit fixed by the commission as aforesaid) to have in their custody, control or possession in Etowah County any malt or brewed beverage upon which the tax imposed by this Act has not been paid. For purposes of this section, the absence of a required stamp or decal from a container holding malt or brewed beverages shall give rise to a presumption that no tax has been paid upon said malt or brewed beverages. It shall not be deemed a violation of this section for a person to have in his possession nominal amounts (not exceeding 144 fluid ounces) of malt or brewed beverages which such amounts are intended solely for personal consumption.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax and in addition to any fine imposed for the violation of this law.

Section 12. Act No. 78, S. 31, 1975 4th Special Session, (Acts 1975, p. 2700) is hereby expressly repealed and all other laws or parts of laws which conflict with this Act are hereby repealed. The tax hereby imposed supersedes all previous taxes on malt or brewed beverages relating to Etowah County; provided, however, that such repeal shall not affect any prosecution for violation of any ordinance which is already underway and in process.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 523

H. 1109—Ford, Rich

AN ACT

Relating to counties with populations of not less than 90,000 nor more than 100,000; relating to county taxes on malt or brewed beverages; to provide penalties for violation of any local law levying such taxes within any county to which this Act applies; to provide that no municipality within any such county shall be empowered to levy or collect a tax on malt or brewed beverages in addition to the county-wide tax; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in counties having populations of not less than 90,000 nor more than 100,000 inhabitants, according to the 1970 or any succeeding federal decennial census.

Section 2. Any person violating any provision of a local law enacted by the legislature providing for the levy of a tax on malt or brewed beverages within any county to which this Act applies shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisonment in the county jail for a period not exceeding six (6) months, or both.

Section 3. No municipality within any county to which this Act applies shall be empowered to levy or collect a tax on malt or brewed beverages in addition to a tax on such beverages levied county-wide under the provisions of an applicable local law.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are repealed.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 524

H. 1111—Whatley

AN ACT

Relating to all counties having populations of not less than 60,000

nor more than 65,000 according to the 1970 or any subsequent federal decennial census; to provide for the holding of special advisory referendums to ascertain the sentiment of voters on public issues affecting any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. At any time for the holding of a regular or special election participated in by the electors of the entire county, the county commission of any county having a population of not less than 60,000 nor more than 65,000 according to the 1970 or any subsequent federal decennial census may call and provide for the holding of special advisory referendums to ascertain the sentiment of the voters of the county concerning any public question or proposition affecting county government. Such referendums shall be held in conjunction with the regular or special election and the issue shall be certified and placed on the ballots used at the election upon resolution of the county commission at least thirty (30) days before the date of the regular or special election. Such referendums shall be advisory only concerning the public question or proposition and shall be without any additional costs to the county.

Section 2. The provisions of this act are supplemental to the election laws of this state and of any county to which this act applies, and shall not be construed to repeal any laws not in direct conflict herewith.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 525

H. 1126—Crowe, Sparks

AN ACT

Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census; to authorize the creation of the office of deputy coroner and prescribe the duties and compensation of said office.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of any county to which this act applies is authorized to establish the position of deputy coroner and to appoint an individual to fill said position. The deputy coroner shall hold office at the pleasure of the county governing body and said governing body is further authorized to fill any vacancies in the deputy coroner's position.

Section 3. The deputy coroner shall receive an expense allowance of sixty dollars (\$60) per month to be paid out of the county general fund to cover reasonable expenses incurred in the performance of his official duties.

Section 4. The deputy coroner shall serve in the absence of the coroner, during periods when the coroner may be incapacitated or when assistance of a deputy coroner is otherwise needed. When called upon to serve by the county governing body or the coroner, the deputy coroner shall have the same legal authority and responsibility as the coroner.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 526

H. 707—Campbell, Manley

AN ACT

To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the pro-

visions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 1590, S. 415, 1971 Regular Session (Acts 1971, p. 2717), is hereby amended to read as follows:

“An Act To designate the State Board of Health as the responsible agency and to authorize it to establish and enforce rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers; to establish and enforce rules and regulations for the operations, design, equipment and inspection and licensing of ambulances; and to establish requirements for the operation and coordination of ambulances; to provide for violation of rules and regulations established hereunder; to exempt certain volunteer rescue squads from the provisions of this Act; and to provide that certain provisions of this Act shall not apply to Marengo County but in lieu thereof the governing body of such county may prescribe rules and regulations governing ambulances and ambulance attendants and ambulance drivers.”

Section 2. Section 6 of said Act No. 1590 of the Regular Session 1971 is hereby amended to read as follows:

“Section 6. The provisions of this Act shall not apply to volunteer rescue squads that are members of ‘Alabama Association of Rescue Squads, Inc.’ and which furnish ambulance service to the public; nor shall the foregoing provisions of this Act apply to or govern ambulances owned by the county, a municipality or any other political subdivision of the state nor to the drivers of, or attendants on such ambulances in Marengo County. The governing body of such county is hereby authorized to prescribe rules and regulations governing ambulance drivers and ambulance attendants, including rules and regulations for their training and qualifications.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 527

H. 712—Clark

AN ACT

To amend Section 10 of Act No. 1054, H. 2173 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1693) pertaining to additional unlawful acts in counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 1054, H. 2173 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1693), entitled "Relating to all counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is amended as follows:

"SECTION 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940. No table wine shall be sold on any Sunday, and no table wine shall be sold on any primary election day, general election, special election or municipal election day until after the time fixed by law for the closing of polling places.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 528

H. 969—Crawford, Sasser

AN ACT

Relating to counties having a population of not less than 13,200 nor more than 13,400 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 13,200 nor more than 13,400 according to the most recent

federal decennial census, the boards of education of such counties are authorized to fix the annual salary of the county superintendent of education in an amount not less than \$15,000 nor more than \$22,000. Such salary shall be paid in equal monthly installments from the general funds of the county in the same manner as salaries of other county employees are paid.

Section 2. All general, local, or special laws or parts of such laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 529

H. 1103—Johnson, Robertson

AN ACT

Relating to all cities having a population of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent federal decennial census; allowing the city governing body of such counties to continue paying the salary of certain employees injured in special circumstances; allowing such employees to continue accruing benefits; and making the provisions of this act retroactive to January 1, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all cities having a population of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The city governing body in all such counties, in its discretion, may elect to continue, for a period not to exceed two years, as disability pay the salary of:

(a) any employee who is injured while performing his duties at his occupation;

(b) any employee, while not at his occupation, who is injured rendering volunteer service which would be in his line and scope of responsibility had he been on the job; or

(c) any employee who is injured under circumstances which the city governing body recognizes as so extraordinary to merit the special award of disability pay.

Provided, however, that the employee must have been em-

ployed by the city for not less than three years. The disability pay provided in this section shall cease for any employee upon his return to his normal duties on a full-time basis and such salary may, in the discretion of the city governing body, be terminated if the employee receives a salary in an amount at least equal to the disability pay.

Section 3. The city governing body may allow any employee, who receives disability pay pursuant to Section 2 of this act, to accrue all benefits, including but not limited to, sick and annual leave.

Section 4. It is expressly provided that no employee shall receive, from the city, directly or indirectly, two salaries which exceed his rate of pay at the time of the disabling injury.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are retroactive to January 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 530

H. 1127—Crowe

AN ACT

Relating to counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, to authorize the jury commission to set the salary of its employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The jury commission is hereby authorized to set the salary of the jury commission's clerk and other employees. Provided however, said employee's salary may not exceed the maximum daily and annual amount which the jury commission members are authorized to receive.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 531

H. 1142—Clark, Robertson

AN ACT

To authorize the establishment of branch banks in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, which is established in Pickens County, shall have the power to establish, to maintain and to operate within the same city or town or within other incorporated communities having a population of less than one thousand provided no bank is established therein, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 532

H. 196—Falkenburg, Waggoner

AN ACT

To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 45, Section 144, as amended, is hereby further amended to read as follows:

“Section 144. Food for prisoners in the county jail shall be paid for by the state as follows: There shall be allowed such amount as is actually necessary for food for each prisoner daily, but the said amount so allowed cannot exceed one dollar and seventy-five cents (\$1.75) per capita.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 533

H. 486—Merrill

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1978, the sum of Ninety-Two Thousand Dollars (\$92,000.00), from the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located in Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 534

H. 490—Merrill

AN ACT

To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1978, the sum of One Million, Two Hundred and Thirteen Thousand Dollars (\$1,213,000) from funds in the Alabama Special Educational Trust Fund for the use and benefit of the Tuskegee Institute located in Tuskegee, Macon County, Alabama. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid from warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation request may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 535

H. 491—Merrill

AN ACT

To make appropriations for the support and maintenance of Talladega College.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1978, the sum of Two Hundred Thousand Dollars (\$200,000), from funds in the Alabama Special Educational Trust Fund, to Talladega College, Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation request may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. The appropriations herein made shall be expended on warrants of the State Comptroller upon vouchers or requisitions signed by the chief executive officer of Talladega College as approved by the Governor.

Section 4. This Act shall become effective October 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 536

H. 492—Merrill

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1978, the sum of Three Hundred and twenty five thousand Dollars (\$325,000), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located in Jasper, Walker County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the chief

executive officer of Walker County Junior College and approved by the Governor.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation request may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 537

H. 493—Merrill

AN ACT

To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1978, the sum of Two Hundred Fifteen Thousand Dollars (\$215,000), out of funds in the Alabama Special Educational Trust Fund for the use and benefit of the Marion Institute located at Marion, Perry County. The appropriations shall be used for support and maintenance of the institute and for payment of current expenses, and shall be paid out on warrants of the State Comptroller, upon vouchers or requisitions signed by the chief executive officer of the institute as approved by the Governor.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation request may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1977.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 538

H. 728—McCluskey

AN ACT

To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Racoons and opossums may be legally hunted and taken at night by catching or billing with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in any county to which this act applies.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 539

H. 1246—Hines, Warren

AN ACT

To provide for the appointment of a deputy district attorney for the twenty-first judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-first judicial circuit of Alabama may appoint a deputy district attorney, who shall be a state officer and serve at the pleasure of the district attorney. He must be qualified by the courts of this state for the practice of law, but he shall not be subject to provisions of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Section 2. In the absence of the district attorney, his deputy shall discharge his duties and exercise his authority, but only at his direction. The deputy also shall perform such other duties and exercise such authority as may be prescribed by the district attorney.

Section 3. The deputy district attorney shall receive \$900.00 per month payable out of the treasury of the county comprising such judicial circuit.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective September 1, 1977, following its approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 4:30 P.M.

Act No. 540

H. 1187—Killian

AN ACT

Relating to Dekalb County; to authorize the Dekalb County governing body and municipal governing bodies within Dekalb County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the finding of the Alabama legislature that the use of explosives in connection with surface mining creates special nuisance problems in heavily populated, mountainous rural areas where large numbers of Alabamians make their homes and where preservation of natural scenic beauty is essential to the economy and the health, safety and well-being of the population of such areas. DeKalb County is one such area. Local governing bodies within Dekalb County can

best deal with the problem arising from the use of explosives in surface mining operations which occur in the respective police jurisdictions.

Section 2. The DeKalb County governing body and the municipal governing bodies within Dekalb County may, and are hereby authorized to, regulate the use of explosives in surface mining activities within their respective police jurisdictions. In the event a provision of municipal or county regulations of explosives is found to be in conflict with a provision of state regulations of explosives, the more restrictive provision shall apply.

Section 3. County-wide regulations of the use of explosives in surface mining operations shall not preempt municipal regulations of explosives used in surface mining operations that occur in the municipal police jurisdiction. The person using explosives must meet the requirements of the county and municipal regulations in this area of joint jurisdiction. In the event a provisions of municipal regulations of explosives is found to be in conflict with a provision of county regulations, the more restrictive provision shall apply.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 541

H. 1230—Sasser, Crawford

AN ACT

Relating to Henry County; prescribing the manner of filling vacancies in the office of district judge; providing that appointments to fill vacancies may be made without regard to the appointees' previous residence.

Be It Enacted by the Legislature of Alabama:

Section 1. Any vacancy in the judicial office of the district court in Henry County shall be filled by the governor. Such appointment may be made without regard to the ap-

pointee's previous residence so long as he is a resident of the district for the duration of his term and is otherwise qualified to serve.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 542

H. 1247—Dial

AN ACT

Relating to Cleburne County; to provide for the salaries of the members of the county commission and the sheriff of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning June 1, 1977, the members of the county commission of Cleburne County shall each be entitled to an annual salary of \$7500 and the sheriff of said county shall be entitled to an annual salary of \$16,000. Such salaries shall be paid in equal monthly installments from the county treasury and shall be lieu of all other salaries heretofore provided by law for said members and sheriff.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 543

H. 1252—Carothers, Smith (J), Crawford

AN ACT

To amend the City of Dothan Pension and Retirement System established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of

the Alabama Legislature, approved August 7, 1961; Act No. 509, Regular Session of the Alabama Legislature, approved August 20, 1953; Act No. 601, Regular Session of the Alabama Legislature, approved September 8, 1967; Act No. 59, Regular Session of the Alabama Legislature, approved July 12, 1971; Act No. 78, Regular Session of the Alabama Legislature, approved July 25, 1975.

Be It Enacted by the Legislature of Alabama:

Act No. 103, Approved June 18, 1953 (Acts of Alabama Legislature, 1953 Regular Session, Pages 145-154 inclusive) as subsequently amended, which provides for the establishment of the City of Dothan Pension and Retirement System is hereby amended to read as follows:

Section 1. There is hereby established for the City of Dothan, Alabama, hereinafter called the "City", a Pension and Retirement System, hereinafter called the "System", which shall exist and be maintained for the benefit of the persons hereinafter named, the funds for which shall be derived and raised in the manner hereinafter provided.

Section 2. MEMBERSHIP. The membership of the System shall be composed as follows:

(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act.

(2) All persons who become employees of the City of Dothan after the date of the enactment of this Act, their becoming members to be a condition of their employment.

(3) Elected Officials, City Attorneys, City Recorder, Deputy City Recorder, Public Defender, independent contractors, and temporary employees employed for less than ninety (90) days shall not be eligible for membership.

(4) Employees drafted or entering directly into the Armed Forces of the United States during a national emergency, provided such employee does not withdraw his contributions as provided in Section 4(1), and provided such employee returns to the service of the City within one (1) year after having been honorably discharged from the Armed Forces, and such employee avails himself of the first opportunity for discharge or release from the service following the cessation of hostilities, which return to the service of the the City during this period of one (1) year after such honorable discharge or release shall entitle such employee to credit for continuous service toward the attainment of conditions required for retirement or benefits.

Section 3. PENSION BOARD.

(1) There is hereby created a Pension Board who shall

act as Trustees, and in whom is vested the general administration and management of the System, and the making effective the provisions of this Act. The members of the Pension Board, all of whom shall serve without compensation, shall consist of the Mayor and/or President of the Board of Commissioners of the City, Chairman of the City Personnel Board, the City Attorney, the Treasurer of the City of Dothan, who shall be the "Treasurer of the System" and be bonded as required by the Pension Board, and an Employee-Department Head to be chosen by other Employee-Department Heads.

(2) The Mayor shall act at all times as Chairman of the Pension Board, and in his absence, the majority of the Board shall elect a Chairman to act in his stead. A majority of the Board shall constitute a quorum for the transaction of business, and any action taken shall be approved in writing by not less than three (3) of its members. The Pension Board shall hold such meetings as are necessary to transact its business, and in any event not less than one (1) meeting each three (3) months. The City Clerk shall act as Secretary of the Pension Board and shall give sufficient notice to its members of all meetings called by its chairman and shall keep a written minute record of all meetings, and shall attest all official written documents of the board, which shall be written into the official document records of the City Clerk's Office. All necessary accounting records shall be kept under the supervision of and in the office of the Clerk-Treasurer of the City, and employee personnel records shall be kept by the Personnel Department and the necessary clerical expense and supplies for keeping required records shall be deemed as an authorized expenditure from the general funds of the City. Payments from funds shall be made by check drawn by the Clerk-Treasurer and countersigned by the Chairman, after having been approved by the Pension Board.

(3) OATH OF OFFICE OF THE PENSION BOARD MEMBERS.

All members of the Pension Board, as trustees for the System, within ten (10) days after his appointment or election, shall take an Oath of Office that he will diligently and honestly administer the affairs of the Pension Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the System. Such oath shall be subscribed to by the members making same, certified by the official before whom it is taken, and immediately filed in the Office of Probate Judge of Houston County.

Section 4. THE METHOD OF FINANCING AND COMPOSITION OF FUNDS. All of the assets of the System shall

be accounted for according to the purpose for which they are held among three (3) funds, namely, the Annuity Fund, the Pension Accumulation Fund and the Retirement Fund.

(1) The Annuity Fund shall be a fund in which shall be accumulated contributions from the compensation of members. Contributions to and payments from the Annuity Fund shall be made as follows:

(a) After the enactment of this Act, six and one-half percent ($6\frac{1}{2}\%$) shall be the minimum and seven and one-half percent ($7\frac{1}{2}\%$) shall be the maximum to be deducted from each member's pay on each and every payroll based upon consideration, the appropriations of the City for its contribution to the System and upon an actuarial evaluation report of the System made by a reputable consultant and recommendation of the Pension Board and approval of the Governing Body of the City. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the compensation provided for by law for any member shall be reduced thereby. Each amount so deducted shall be paid into the Annuity Fund and shall be credited to the individual account of the member whose compensation and deduction was made.

(b) Membership in the System is cancelled upon termination of employment, and upon such termination the amount of the deduction made from such employee's compensation shall be refunded out of the Annuity Fund as stipulated as follows:

(1) Members employed five years and less, all annuity payroll deductions, less ten percent (10%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

(2) Members employed over five (5) years and less than ten (10) years, all annuity payroll deductions, less five percent (5%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

(3) Members employed ten (10) years and over, all annuity payroll deductions, less two and one-half percent ($2\frac{1}{2}\%$) of such deductions, which shall be deemed as payment to the

System to cover the cost of protection afforded therein during the term of membership.

(4) Upon termination by death, while employed, all annuity payroll deductions shall be returned to the properly designated beneficiary of the member without any charge or deduction being made for protection as mentioned above.

(c) Upon the termination of employment and membership in the System, the amount deducted from the refund to such employee as provided in Sub-Section (b) above, shall be transferred into the Retirement Fund hereinafter provided for.

(d) Upon the retirement of any employee-member of the System, the amount of the annuity funds accumulated or deposited to the credit of such retired employee, shall be transferred and credited to the individual account of the retired member in the Retirement Fund. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

(2) Pension Accumulation Fund. The Pension Accumulation Fund shall be a fund into which the City of Dothan shall deposit each month a sum equal to the payroll annuity deductions from employee-members salaries from a minimum of six and one-half percent ($6\frac{1}{2}\%$) to a maximum of seven and one-half percent ($7\frac{1}{2}\%$) based upon an actuarial study by a reputable consultant and recommendation of the Pension Board and approval of the Governing Body of the City.

(a) Upon the termination of employment and membership in the System, the amounts deposited into the Pension Accumulation Fund to the credit of such employee terminating employment and membership shall be transferred from the Pension Accumulation Fund into the Retirement Fund to be used for the payment of retirement benefits hereinafter provided for.

(b) Upon the retirement of any member as hereinafter provided for, the amounts deposited into the Pension Accumulation Fund to the credit of such retiring employee shall be transferred from the Pension Accumulation Fund into the Retirement Fund and credited to the individual account of the retired employee-member as provided in Section 4 (1)(d) above, who shall receive benefits from the Retirement Funds as hereinafter provided. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the System.

(3) **The Retirement Fund.** The Retirement Fund shall be a fund into which shall be deposited all funds transferred from the Annuity Fund and from the Pension Accumulation Fund as provided for in Sub-sections (1(a), 2(b) (1-2-3), (c) and (d) above of Section 4, from which retirement benefits are paid.

(a) In addition to transfers from the Annuity and Pension Accumulation Funds, the Pension Board may take by gift, grant, device or bequest, any money, personal property, real estate, or interest therein for the benefit of the fund.

(b) All amounts in excess of the amount protected by the Federal Depositors Insurance Corporation or similar plan by the Federal Government deposited in any bank or savings and loan association in any of the three (3) funds provided for herein shall be forthwith invested in bonds or securities which are direct obligations of the United States of America. All amounts deposited in any such bank or savings and loan association in excess of amounts required to pay monthly benefits shall be placed on deposit so as to draw interest. Interest and earnings from investments and deposits shall be deposited into the Retirement Fund.

(c) Every three (3) years there shall be an evaluation study and report made of the System by a reputable actuary firm selected by the Pension Board and approved by the Governing Body of the City, and at other times as deemed necessary by the Pension Board to keep closer review of the System and approved by the Governing Body of the City. Upon receipt of the report of such actuary, the Pension Board shall make recommendations to the Governing Body of the City and to the legislative delegation for any needed revisions.

Section 5. CREDITABLE SERVICE. For the purpose of attainment of the period of service required for retirement under the provisions of this Act, the following conditions shall prevail and none other:

A-(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act and who were members of the Alabama Employees Retirement System, shall receive credit for all prior service evidenced by Alabama Employees Retirement System prior years certificates, and so long as membership continues, such prior service certificate shall be final and conclusive for retirement purposes as to such service credited prior to this Act, except that any such certificate found to be inaccurate as to actual prior service according to records in the City Clerk's Office and Personnel Office, may be amended by resolution

of the Governing Body of the City with the concurrence of the Pension Board upon certification of the City Clerk and Personnel Director, as to the actual service prior to the City of Dothan's withdrawal from the Alabama Employees Retirement System any employee should have credit for.

(2) Employee-members drafted or entering directly into the Armed Forces of the United States and complying with Section 2, Sub-section (4), will receive credit for continuous service.

(3) Creditable service at retirement, on which retirement allowances of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate provided such member does not withdraw or has not withdrawn his contributions as provided in Section 4 (1).

(4) Anything in this Act to the contrary notwithstanding, any member having twenty (20) or more years of creditable service shall be eligible to continue in the membership of the System whether employed by the City or not until he files application for service retirement, at which time he shall be eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty (20) years shall entitle such an employee's benefit to be computed on the basis of his total years service and his highest average annual salary for any previous consecutive five (5) years in accordance with the percentages as set forth in the following Section 6, Paragraph 2.

B-(1) All persons who become employees of the City of Dothan after the date of the enactment of this Act, and not anything in this Act to the contrary withstanding, shall:

(2) Receive credit for continuous service if such employee-member is drafted or entering directly into the Armed Forces of the United States and complying with Section 2, Sub-Section (4).

(3) Receive creditable service at retirement, on which retirement allowances of a member is based shall consist of membership service rendered by him since he last became a member, provided such person does not withdraw or has not withdrawn his contributions as provided in Section 4 (1).

(4) Have twenty-five (25) or more years of creditable service shall be eligible to continue in the membership of the Sys-

tem whether employed by the City or not until he files application for service retirement and such person must attain the age of fifty-five (55) years before being eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty-five (25) years shall entitle such employee-member's benefits to be computed on the basis of his total years service multiplied by fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years, and divided by twenty-five (25).

Section 6. SERVICE RETIREMENT BENEFITS.

(1) Any member in service may retire upon written application to the Pension Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided said member at the time so specified for his retirement, shall have become disabled, attained the age, and/or served the period required under the provisions of this Act which said employee desires to be retired.

(2) FULL RETIREMENT.

(A) Any employee-member of the System employed on the date of the enactment of this Act who shall serve or accumulate twenty (20) years of creditable service shall be eligible for full retirement. Such employee-member may be retired and upon proper application, be eligible for the rest of his life and receive as a retirement allowance a sum payable from the Retirement Fund amounting to the sum of (a), (b), (c) and (d), as set out below:

(a) $2\frac{1}{2}\%$ times the first twenty (20) years of creditable service times his highest average annual salary for any previous consecutive five (5) years, plus

(b) 2% for each year of creditable service from 20 to 25 years times his highest average annual salary for any previous consecutive five (5) years, plus

(c) $1\frac{1}{2}\%$ for each year of creditable service from 25 to 30 years times his highest average annual salary for any previous consecutive five (5) years, plus

(d) 1% times all creditable service in excess of thirty (30) years multiplied by his highest average annual salary for any previous consecutive five (5) years. The above benefit is payable in monthly installments.

(B) Any employee-member of the System employed after the date of the enactment of this Act who shall serve or accumu-

late twenty-five (25) years of creditable service shall be eligible for full retirement. After serving twenty-five (25) years of creditable service, the employee-member may retire and upon proper application be eligible at the age of fifty-five (55) years on his last birthday for the rest of his life, receive a retirement allowance a sum payable from the Retirement Fund amounting to the sum of (a), (b) and (c) as set out below:

(a) 2% times the first twenty-five (25) years creditable service times his highest average annual salary for any previous consecutive five (5) years, plus

(b) $1\frac{1}{2}\%$ for each year of creditable service from twenty-five (25) to thirty (30) years times his highest average annual salary for any previous consecutive five (5) years, plus

(c) 1% for each year of creditable service in excess of thirty (30) years multiplied by his highest average annual salary for any previous consecutive five (5) years. The above benefit is payable in monthly installments.

(3) Any employee-member who has attained the age of sixty (60) on his last birthday, and has served or accumulated a total of fifteen (15) years creditable service, may retire voluntarily for reasons of his own. Upon retirement under the provisions of this Section, such employee shall receive as a retirement allowance the rest of his life a sum payable from the retirement fund equal to $2\frac{1}{2}\%$ times the number of years of creditable service multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments for those retiring under the 20 year plan and 2% for those employed after the date of the enactment of this Act.

(4) Any employee-member who has reached the age of seventy (70) and has accumulated at least ten (10) years creditable service shall be retired forthwith, unless waived on a year to year basis by majority vote of the Pension Board, and upon proper application will receive for the rest of his life as a retirement allowance a sum payable from the Retirement Fund amounting to $2\frac{1}{2}\%$ times the number of years of creditable service accumulated, multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments, provided if over twenty (20) years or over twenty-five (25) years, whichever is appropriate of creditable service, then the above Section 6, Sub-section (2-A) or (2-B) shall be used to compute retirement benefits.

(5) (a) Disability Retirement. All persons who are employee-members of the City on the date of the enactment of this Act.

Any employee-member who shall have accumulated as much as ten (10) years creditable service may be retired on a disability retirement allowance, provided that a Medical Board, composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of the Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability, such employee-member shall be eligible to receive retirement benefits for the rest of his life notwithstanding the above Section 5-(A) (4), unless such amount shall be modified or changed by proper action hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years multiplied by the number of years creditable service, limited to a maximum of twenty (20) years, and divided by twenty (20), payable in monthly installments.

(b) Disability Retirement. All persons who become employees-members of the City after the date of the enactment of this Act.

Any employee-member who shall have accumulated as much as ten (10) years creditable service may be retired on a disability retirement allowance, provided that a Medical Board, composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of the Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability such employee-member shall be eligible to receive retirement benefits for the rest of his life notwithstanding the above Section 5-(B) (4), unless such amount shall be modified or changed by proper action hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years multiplied by the number of years creditable service, limited to a maximum of twenty-five (25) years and divided by twenty-five (25), payable in monthly installments.

(6) (a) All persons who are employees of the City on the date of the enactment of this Act.

Any employee-member who, as a result of his employment, in line of duty or while discharging his duties or in the performance of his duties, or as a result of hazardous assign-

ment, and not the result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot properly perform his former duties of employment or duties of a less strenuous nature, as an employee of the City of Dothan, shall be retired and be eligible for retirement benefits for the rest of his life notwithstanding the above Section 5-(A) (4), which action shall be initiated by the head of his department and receive the same retirement allowance as if he had served as an employee-member for twenty (20) years and has become totally disabled as provided in Section 6(4) hereof; however, if service is over twenty (20) years, then the calculation is in the same manner as twenty (20) years divided by twenty (20) as indicated in the above Sub-section (4).

(b) All persons who become employees-members of the City after the date of the enactment of this Act.

Any employee-member who, as a result of his employment, in line of duty or while discharging his duties or in the performance of his duties, or as a result of hazardous assignment, and not the result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot properly perform his former duties of employment or duties of a less strenuous nature, as an employee of the City of Dothan, shall be retired and be eligible for retirement benefits for the rest of his life notwithstanding the above Section 5 (B) (4), which action shall be initiated by the head of department and receive the same retirement allowance as if he had served as an employee-member for twenty-five (25) years and has become totally disabled as provided in Section 6 (4) hereof; however, if service is over twenty-five (25) years, then the calculation is in the same manner as twenty-five (25) years divided by twenty-five (25) as indicated in the above Sub-section (4).

(c) Provided however, that such retired member shall submit to medical examinations hereinafter required. In the event an employee retired under this section shall be found mentally and physically capable of performing duties of a less strenuous nature, then such employee may, upon the concurrence of the Pension Board and the Governing Body, be employed in such capacity at the prevailing salary for such work as is provided by the City of Dothan Civil Service System. Upon the return to employment from retirement under this section, the period of retirement together with all prior services shall be credited to such employee, in the ultimate attainment of full retirement or such portion thereof as may be earned under the provisions of this Act. Any such employee who returns to work or continues his employment in work of a less strenuous nature at a reduced rate of pay may be ultimately retired on the basis of his highest five (5) years average salary,

provided he shall, while employed at such reduced rate of pay, continue to pay to the System by payroll deductions of a minimum of six and one-half percent ($6\frac{1}{2}\%$) to a maximum of seven and one-half percent ($7\frac{1}{2}\%$) for the highest consecutive five (5) years average annual salary. The City's contribution to the Retirement Fund shall be a minimum of six and one-half percent ($6\frac{1}{2}\%$) to a maximum of seven and one-half percent ($7\frac{1}{2}\%$).

(7) Re-Examination of members retired on the account of disability.

(a) Once each year during the first five (5) years following the retirement of a member on a disability allowance and once in every three (3) year period thereafter, the Pension Board may, and upon his application shall require any member so retired who has not yet attained the age of sixty (60), to undergo a medical examination, such examination to be made at the place of residence of such members, or other place mutually agreed upon by a physician or physicians of, or designated by the Medical Board. Should any member drawing disability retirement allowance who has not attained the age of sixty (60) refuse to submit to such medical examination, his allowance will be discontinued until such member submits to an examination, and should his refusal continue for one (1) year, all his right in and to his pension may be revoked by the Pension Board. Should the Medical Board report and certify to the Pension Board that a member retired on disability is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the Pension Board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his highest average final compensation for the consecutive five (5) years of his or her employment with the City. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, exceeds the amount of his highest average final compensation for any previous consecutive five (5) years of his or her employment with the City.

(b) In no event will an employee who was a member of the System as of the date of this Amendment receive, upon retirement, an amount less than he would have received had the plan not been amended.

(8) Manner of payment and option benefit.

(a) Subject to the provisions of the above Section 6, the full retirement benefit is payable in monthly installments on a single-life basis for lifetime of the employee-member.

(b) Joint and survivor spouse option.

In lieu of the benefit otherwise payable under provisions of the above Section 6 in the standard form of a single-life benefit, an employee-member may designate his spouse as his contingent pensioner and elect to receive an adjustment benefit payable for life, so that payments of not less than fifty percent (50%) of the adjusted amount shall be continued to the contingent pensioner.

(c) An employee-member may elect the spouse option without the approval of the Pension Board if his election is filed in writing with the Pension Board between thirty (30) and ninety (90) days prior to his eligibility for retirement. During this period preceding the employee-member's eligibility retirement date, the option may be elected, changed or revoked by the pensioner if the spouse is deceased, and/or only with the approval of the Pension Board.

(d) An election made pursuant to this sub-section shall become inoperative in the event that (i) the employee-member's retirement or death occurs prior to his actual retirement date or (ii) the death of the contingent pensioner occurs prior to the employee-member's actual retirement date.

(e) Under the provisions of the Surviving Spouse Option, the contingent pensioner shall be entitled to receive a benefit, commencing on the first day of the month next following the employee-member's death and payable during the contingent pensioner's remaining lifetime, or until re-marriage by the contingent pensioner, in a monthly amount equal to not more than 50% of the adjusted monthly amount which had been payable to the employee-member. Such adjusted amount shall be determined such that the aggregate of the prospective benefit payments expected to be made to the employee-member and his contingent pensioner shall be the Actuarial Equivalent which the employee-member would otherwise be entitled to receive pursuant to provisions of this Section 6.

Section 7. DEDUCTIONS FROM RETIREMENT ALLOWANCES.

The City covers all active employees with a life and group hospital insurance program through a reliable and qualified insurance company. In the event that coverage can be extended to individuals retiring on or after the effective date of this Act, the following procedures will apply.

(1) Deductions from an employee's retirement allowances are authorized to be made to cover the retiree's portion of payments of City sponsored life and group hospital insurance premiums.

(2) The individual retiree's and City's proportionate share of premium payments shall be determined by resolution passed by the Board of Commission, City of Dothan, Alabama.

(3) At such time as a retired employee becomes eligible for Medicare, his participation in any City sponsored Group Hospital Program will be terminated and deductions from retired allowances will be adjusted accordingly. The securing of supplemental coverage to the Medicare Program will be the responsibility of the retiree.

Section 8. DEATH OF RETIRED EMPLOYEE. In the event any retired employee dies before having received as retirement allowances, a sum equal to his annuity payroll deductions, and the like amount deposited to his credit by the City in the Pension Accumulation Fund, the balance of this sum, if the balance is in excess of \$1,000, shall be paid to his properly designated beneficiary in a lump sum payment. If the balance of the aforementioned sum is less than \$1,000, then a minimum sum of \$1,000 shall be paid to his properly designated beneficiary in a lump sum payment.

This Sub-section is in lieu of and is not wholly applicable to those employee-members electing the Joint and Surviving Spouse Option in Section 6, Sub-section (8) (b) hereof. However, if the Actuarial Equivalent of the prospective spouse benefit payments expected to be made to the contingent pensioner shall be less than \$1,000; then, the contingent pensioner may elect, with the approval of the Pension Board, the minimum of \$1,000 in a lump sum payment.

Section 9. EXEMPTIONS. No portion of, or any of the funds or securities, either while held by the System or after distribution to employee-members as retirement allowances, shall be subject to, or exacted, on account of any taxes, nor be subject to garnishment, levy, execution, attachment, nor be subject to assignment or any process of collection of debts, provided this shall not apply to assignments or debts to the System or to the City, and as further authorized in Section 7 above. No liability of the System for the return of contributions shall be subject to assignment and payment to personal representatives, except to properly designated beneficiaries in case of death, and no liability of the System for return of contributions shall be subject to any process in connection with debts.

Section 10. PERPETUITY OF SYSTEM AND RELIEF

OF MEMBERS ALREADY RETIRED AND THOSE WHO RETIRE IN THE FUTURE.

(1) At any time there is an insufficient amount in the Retirement Fund from the sources herein provided for to meet the retirement obligations of the System, the Pension Board shall make recommendations to the Governing Body of the City and the Legislative Delegation for any needed provisions.

(2) For the purpose of additional relief and benefit to employee-members already retired, effective upon the end of this first full calendar month following the passage and approval of this Act, the benefits of all such retired employee shall be computed upon the basis of Act No. 59, Alabama Legislature, 1971 Regular Session, approved July 12, 1971 and Act No. 78, Alabama Legislature, 1975 Regular Session, approved July 25, 1975 and as amended by this Act.

(3) The additional relief and benefit provided in the preceding paragraph for such employee already retired and those who retire hereafter, as a cost of living increase shall be increased each year in the future by two percent (2%) of the amount of the pension received; such increase to become effective on the anniversary date of each employee's retirement.

Section 11. RETIRED EMPLOYEES WHO RETURN TO WORK.

Retired employees who return to full time work as a City employee will be ineligible to receive benefits from the retirement fund while engaged in such full time work. Each such employee shall however be required to participate in the retirement system as required of the present or new employee specified in Section 2, Sub-section 1 and 2 hereof, and shall retain the full period of creditable service previously earned for retirement. Upon his application for retirement again, the period of time he has last worked, if less than five years, shall be added to such highest consecutive average annual salary for a period to equal five years. If the amounts received, however, after returning to work after retirement, are less than before his first retirement, such employee, upon retiring again shall be allowed to receive monthly retirement benefits based upon his highest average annual salary for any consecutive five years.

Section 12. EXCESS RETIREMENT FUNDS AND PAYMENTS.

(1) All annuity payroll deductions and pension accumulation funds transferred to the Retirement Fund upon the retirement of any member shall be credited to such member's account and held in trust for no other purpose except for the pay-

ment of such member's retirement benefits or to such member's properly designated beneficiary upon termination by death. Payments to such member shall be charged against his account, so as to reflect the unpaid balance.

(2) After the amounts accumulated for such retired member's credit in (1) above have been paid back to such member as benefits, continued benefits shall be paid out of funds accruing to the Retirement Fund under the provisions of Section 4 and payment of such continued benefits shall be continually charged to such retired member's account so as to reflect the amount paid in excess of credits provided for in (1) above.

Section 13. CONFLICTING LAWS.

All laws in conflict with this Act are hereby repealed to the extent of such conflict with this Act.

Section 14. EFFECTIVE DATE.

This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 544

H. 1267—Manley, Clark

AN ACT

To amend Section 10 of Act No. 445, H. 993 of the 1976 Regular Session of the Legislature (Acts 1976, Vol. I, p. 545) pertaining to additional unlawful acts in regard to the sale of table wine in Hale County, so as to make the unlawful acts in Hale County conform to the general law of Alabama governing the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 445, H. 993 of the 1976 Regular Session of the Legislature (Acts 1976, Vol. I, p. 545), entitled "Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is amended as follows:

"SECTION 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, no table wine shall be sold on any Sunday,

and no table wine shall be sold on any primary election day, general election, special election or municipal election day until after the time fixed by law for the closing of polling places.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 545

H. 1361—Hill, Greer

AN ACT

To extend, alter, rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

TRACT A

Beginning at the Southwest corner of Northeast $\frac{1}{4}$, Section 1, Township 3 South, Range 11 West; thence Northwardly and along the West line of said Northeast $\frac{1}{4}$, Section 1, Township 3 South, Range 11 West to a point 225.2 feet South of the Northeast corner of Northwest $\frac{1}{4}$ of said Section 1, Township 3 South, Range 11 West; thence East 733.0 feet to a point; thence North 225.2 feet to a point on the North line of said Section 1, Township 3 South, Range 11 West; thence East and along said Section line to its intersection with the centerline of Belview Road and Hough Road; thence South $63^{\circ} 0'$ West and along the centerline of Hough Road for a distance of 368.5 feet to a point; thence East for a distance of 466.0 feet to a point; thence North $15^{\circ} 30'$ West for a distance of 237.0 feet to the centerline of Hough Road; thence South $63^{\circ} 0'$ West for a distance of 90.6 feet to the intersection with the centerline of Belview Road; thence North and along said centerline of Belview Road for a distance of 901.0 feet to a point; thence East and parallel to the South line of Windcrest Heights Subdivision for a distance of 498.0 feet to a point; thence North for a distance of 476.0 feet to a point; thence East at right

angles and along said South line of Windcrest Heights Subdivision for a distance of 175.5 feet to the Southeast corner of Windcrest Heights Subdivision; thence North and along said Windcrest Heights for a distance of 819.0 feet to a point; thence West and along said Windcrest Heights boundary for a distance of 104.0 feet to a point; thence North and along the East line of Section 36, Township 2 South, Range 11 West and said East line of Windcrest Heights Subdivision for a distance of 643.0 feet to the Northeast corner of Southeast $\frac{1}{4}$, Section 36, Township 3 South, Range 11 West; thence South $89^{\circ} 53'$ East and along the $\frac{1}{2}$ Section line of Section 31, Township 2 South, Range 10 West for a distance of 393.82 feet to a point; thence South $0^{\circ} 03'$ East for a distance of 840.0 feet to a point; thence South $89^{\circ} 53'$ East for a distance of 733.0 feet to a point; thence North $49^{\circ} 26'$ East for a distance of 206.51 feet to a point; thence North $50^{\circ} 15'$ East for a distance of 454.95 feet to a point; thence North $61^{\circ} 22'$ East for a distance of 398.58 feet to a point; thence North $64^{\circ} 41'$ East for a distance of 408.0 feet to the intersection with the West right-of-way line of Cox Creek Parkway; thence South $25^{\circ} 10'$ East for a distance of 20.0 feet, more or less, to the centerline of Hough Road; thence Southwestwardly along said centerline of Hough Road to the intersection with the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 31, Township 3 South, Range 10 West; thence South along said West line of the East $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ to its intersection with the North line of the Southeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$, Section 31, Township 2 South, Range 10 West; thence West along said line and its extension thereof to the intersection of said line with the centerline of Hough Road; thence Southwest along the centerline of Hough Road to its intersection with the East line of Section 36, Township 2 South, Range 11 West; thence South along said East line of Section 36, Township 2 South, Range 11 West and the East line of Section 1, Township 3 South, Range 11 West to the Southeast corner of Northeast $\frac{1}{4}$, Section 1, Township 3, South, Range 11 West; thence West and along the South line of the Northeast $\frac{1}{4}$, Section 1, Township 3 South, Range 11 West to the point of beginning.

TRACT B

Beginning at the Northeast corner of Southeast $\frac{1}{4}$, Section 36, Township 2 South, Range 11 West; thence West and along the North line of said Southeast $\frac{1}{4}$ and the centerline of Cloyd Boulevard for a distance of 2,080 feet, more or less, to the existing Corporate Limits line; thence North with said Corporate Limits line for a distance of 1,000 feet, more or less, to a point; thence East with said Corporate Limits for a distance of 1,000 feet, more or less, to a point, thence North

with said Corporate Limits line for a distance of 700 feet, more or less, to a point; thence East with said Corporate Limits line for a distance of 710 feet, more or less, to a point; thence North with said Corporate Limits line to the Northernmost right-of-way line of Cox Creek Parkway; thence Eastwardly and around said Northernmost right-of-way line to its intersection with the Section line between Section 31, Township 2 South, Range 10 West and Section 36, Township 2 South, Range 11 West; thence South with said Section line and the existing Corporate Limits line to the Northeast corner of Southeast $\frac{1}{4}$, Section 36, Township 2 South, Range 11 West, and the point of beginning.

TRACT C

Beginning at the Northwest corner of Northeast $\frac{1}{4}$, Section 25, Township 2 South, Range 11 West; thence North $89^{\circ} 10'$ East and along the North line of said Northeast $\frac{1}{4}$, Section 25, Township 2 South, Range 11 West for a distance of 925.0 feet to a point; thence South $0^{\circ} 25'$ East for a distance of 100.0 feet to a point; thence South $89^{\circ} 10'$ West for a distance of 270.0 feet to a point; thence South $35^{\circ} 15'$ West for a distance of 70.16 feet to a point; thence South $54^{\circ} 54'$ West for a distance of 197.82 feet to a point; thence South $57^{\circ} 08'$ West for a distance of 160.0 feet; thence South $57^{\circ} 03'$ West for a distance of 146.34 feet to a point; thence South $70^{\circ} 42'$ West for a distance of 52.87 feet to a point; thence South $0^{\circ} 30'$ East for a distance of 440.0 feet to a point; thence South $56^{\circ} 42'$ West for a distance of 68.06 feet to a point; thence South $84^{\circ} 47'$ West for a distance of 254.44 feet to a point; thence South $59^{\circ} 24'$ West for a distance of 234.30 feet to a point; thence South $55^{\circ} 11'$ West for a distance of 150.60 feet to a point; thence South $03^{\circ} 30'$ East for a distance of 1,543.0 feet to a point; thence South $89^{\circ} 05'$ West for a distance of 825.0 feet to a point; thence South $0^{\circ} 30'$ East for a distance of 682.52 feet to a point; thence South for a distance of 1,980.0 feet to the Southwest corner of Southeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$, Section 25, Township 2 South, Range 11 West; thence South $0^{\circ} 06'$ East for a distance of 23.65 feet to a point; thence South $89^{\circ} 57'$ West for a distance of 707.15 feet to a point; thence South $1^{\circ} 03'$ West for a distance of 500.0 feet to a point; thence South $89^{\circ} 57'$ West for a distance of 399.98 feet to a point; thence South $2^{\circ} 03'$ West for a distance of 348.41 feet to a point; thence North $88^{\circ} 40'$ East for a distance of 402.12 feet to a point; thence South $1^{\circ} 20'$ East for a distance of 470.39 feet to a point; thence South $89^{\circ} 39'$ West to the East line of Section 35, Township 2 South, Range 11 West; thence North with said East line to the Northeast corner of Section 35, Township 2 South, Range 11 West; thence West and along the North line of said Section 35, Township 2 South,

Range 11 West to the centerline of Old Chisholm Road; thence meandering with said centerline of Old Chisholm Road to its intersection with the West line of Section 26, Township 2 South, Range 11 West; thence North with said Section line to the South line of Rose Park Subdivision extended; thence Eastwardly with said South line of Rose Park Subdivision to the Southeast corner thereof; thence Northwardly with the East line of said Rose Park Subdivision to its intersection with the North line of Section 26, Township 2 South, Range 11 West; thence East and along the North line of said Section 26, Township 2 South, Range 11 West to the Northeast corner of said Section 26, Township 2 South, Range 11 West; thence S $1^{\circ} 58'$ East and along the East line of Section 26, Township 2 South, Range 11 West to the Northernmost right-of-way line of Mars Hill Road; thence North $87^{\circ} 54'$ East and along said North right-of-way line of Mars Hill Road for a distance of 30 feet, more or less; thence North $70^{\circ} 20'$ East and along said right-of-way line for a distance of 153 feet, more or less; thence North $75^{\circ} 46'$ East and along said right-of-way line for a distance of 663 feet, more or less; thence North $88^{\circ} 00'$ East and along said North right-of-way line for a distance of 792 feet, more or less, to a point; thence North $1^{\circ} 40'$ West for a distance of 921.76 feet to its intersection with the North line of Section 25, Township 2 South, Range 11 West; thence North $89^{\circ} 10'$ East and along said North line of Section 25, Township 2 South, Range 11 West to the point of beginning.

TRACT D

Beginning at a point North $87^{\circ} 54'$ East and 452.95 feet from the Northwest corner Southwest $\frac{1}{4}$, Section 24, Township 2 South, Range 11 West; thence continue North $87^{\circ} 54'$ East for a distance of 1,135.30 feet to a point; thence South $2^{\circ} 30'$ East for a distance of 2,117.66 feet to its intersection with an arc of a curve having a fixed radius of $1\frac{1}{2}$ miles, the center of which is the Southwest corner of Southeast $\frac{1}{4}$, Section 18, Township 2 South, Range 10 West; thence Northwestwardly and around said arc to the right to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 546

H. 1271—Manley, Pegues

AN ACT

Relating to Marengo County; fixing the fee for the issuance of a pistol permit by the sheriff; providing for the deposit of such fees in a sheriff's fund; and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided by the Code of Alabama 1940, Title 14, Section 177, shall be ten dollars (\$10.00), which shall be collected by the sheriff of said county.

Section 2. Any and all monies collected as provided above shall be deposited in any bank within the county into a fund known as the sheriff's fund. Said fund shall be drawn upon by the sheriff and shall be used exclusively for law enforcement purposes and in the discharge of the duties of the sheriff's office as he sees fit. The sheriff shall, however, make a monthly report to the county governing body on such fund. Such report shall be filed on or before the twentieth day of each month and shall show the amount of money on deposit in such fund on the first day of the preceding month, the total collections from the issuance of pistol permits during the preceding month and shall contain an itemized account of the expenditures made from such fund during the month, along with a notation of the purpose for which such expenditures were made.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed. Act No. 849, H. 1162, 1969 Regular Session (Acts of 1969, p. 1557), is specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 547

H. 1272—Manley, Pegues

AN ACT

Relating to Marengo County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Marengo County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying

out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act and to expressly repeal Act No. 480, H. 1459, Regular Session 1975 (Acts of 1975, Vol. II, p. 1103).

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Marengo County.

Section 2. Definitions.

(1) "Board" shall mean County Rehabilitation Board, and shall be composed of five (5) members as follows: the director of the West Alabama Mental Health Center or his designated representative; the probate judge of the county; the sheriff of the county; and two members of the county governing body of the county or two representatives designated by such governing body.

(2) "Inmate" shall mean any person, male or female, convicted of a crime and sentenced to the county jail.

Section 3. EXTENDED LIMITS OF CONFINEMENTS.

The Board shall adopt such written regulations and policies permitting the sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment, and thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Any rules, regulations or policies promulgated by the Board shall be written upon the minutes of the Board, and shall be acknowledged and signed by each member of the Board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner pursuant to the pursuant provisions of this Act.

Section 4. WAGES.

The employer of an inmate involved in work release shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board shall be authorized to withhold from the inmate's earnings, 20% of his or her gross earnings to pay such cost incident to the inmate's confinement as the Board shall deem appropriate. The Board may adopt policies to allow such monies

to be spent for law enforcement and operation of the jail exclusively. After 20% has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to turn the remaining 80% of the inmate's earnings over to his family to be used by them in their support while the inmate is confined, provided the inmate gives written consent to this procedure prior to the inmate's release into the work program.

Section 5. ESCAPE.

The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff to the county jail shall be deemed as an escape from the custody of said sheriff and shall be punishable as provided by law for escaped prisoners.

Section 6. INVESTIGATION AND RECOMMENDATION.

Employees of the Board or persons designated by the Board are authorized to make investigation and recommendations pertaining to the validity of requests for job opportunities for inmates and to otherwise assist the sheriff in the implementation of the program herein authorized.

Section 7. SECURING EMPLOYMENT.

The Board or members of the Board shall endeavor to secure employment for eligible inmates under this act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might effect the community, the inmates, or the Board.

Section 8. EDUCATION.

The Board may at its discretion, allow any inmate, between the ages of 14 and 22 only, to participate in the release program to further the inmate's education. Under this section

the inmate must follow all the rules set forth for other inmates participating in the work release program.

Section 9. FURLOUGHS.

The Board may adopt rules and allow the sheriff to grant furloughs or leave time not to exceed 3 days or 72 hours for inmates that the Board deems deserving, subject to the following restriction:

Each furlough can only be granted with the recommendation of the sheriff and must be approved in writing and signed by a majority of the Board members granting and approving such furlough.

Section 10. INMATE NOT AN AGENT OF STATE OR COUNTY.

No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee, or involuntary servant of the Board, State, County, or municipality while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 11. The sheriff or person or persons designated by the Board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year, a copy of said report shall be filed with each of the following persons or agencies: the Board, the governing bodies to which this act applies and to the circuit judge or judges serving Marengo County.

Section 12. PENALTY CLAUSE.

Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 13. SEVERABILITY.

The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. REPEALER.

Act No. 480, H. 1459, Regular Session 1975 (Acts of Alabama 1975, Vol. II, p. 1103) is hereby expressly repealed and all other laws or parts of laws which conflict with this act are repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 548

H. 1273—Manley, Pegues

AN ACT

To alter and re-arrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said City, in addition to the present territory included within the corporate limits, certain other territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this Act the boundary lines of the City of Demopolis shall be altered and re-arranged so as to include within the corporate limits of the City of Demopolis, Alabama, in addition to the present territory included within the corporate limits, the territory hereinafter described, all of said territory lying and being situate in Marengo County, Alabama, to-wit:

Tract #1: Beginning at a point on the present corporate city limits of said Demopolis, Marengo County, Alabama, said point being the Southwest corner of Southeast quarter of Southeast quarter of Section 27, Township 18 North, Range 2 East; proceed South 35 degrees 51 minutes East, 2254.3 feet to a point on the Section line of 507.4 feet South of Southwest corner of Northwest quarter of Northwest quarter of Section 35, Township 18 North, Range 2 East; Thence North along the West boundary line of Section 35, Township 18 North, Range 2 East to the Northwest corner of said Section 35; thence West along the South boundary of Section 27, Township 18 North, Range 2 East, along the present corporate limits to the point of beginning.

Tract #2: Beginning at a point on the present corporate limits of City of Demopolis, Marengo County, Alabama said point being the point on the St. Louis-San Francisco Railway Company's North property line where it intersects the West boundary line of the old county road formerly leading from Demopolis to Spring Hill; continue Northeasterly along the North property line of the said St. Louis-San Francisco Railway Company to a point where it intersects the North right of way of U.S. Highway 80; thence West along the North right of way of U.S. Highway 80 1963 feet to a point where it intersects the present city limits; thence South along the West side of the old county road known as the Demopolis to Spring Hill Road, and along the present corporate limits to the point of beginning.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid, or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with

this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.